

November 10, 2009



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## TRANSCRIPT

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### MONTGOMERY COUNTY COUNCIL

#### PRESENT

Councilmember Phil Andrews, President

Councilmember Roger Berliner

Councilmember Valerie Ervin

Councilmember Michael Knapp

Councilmember Nancy Navarro

Councilmember Marc Elrich

Councilmember Nancy Floreen

Councilmember George Leventhal

Councilmember Duchy Trachtenberg



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1 COUNCIL PRESIDENT ANDREWS:

2 Good morning, everybody. We're going to get underway in just a minute, if everybody can  
3 take their seats. Thank you. Good morning to you all. Thank you for joining us for this  
4 Council session. We're going to begin with an invocation by Imam Faizul Khan of the  
5 Islamic Society of the Washington Area, Silver Spring, and please join me for the  
6 invocation. Please rise.

7  
8 FAIZUL KHAN:

9 [Speaking Arabic] In the name of God, most merciful and compassionate. [Speaking  
10 Arabic] O my servants, you call upon me, and I will answer your prayer. Let us pray.  
11 [Speaking Arabic] Almighty Lord, the God of Abraham and Moses and Jesus and  
12 Muhammad, the supreme ruler of the universe, Lord and Master of all lives, through thy  
13 benevolent grace and mercy, we have assembled here this morning in the spirit of  
14 cooperation and understanding to express our thankfulness and seek thy blessings as we  
15 undergo the trust that has been placed upon us. Our Lord, in these difficult and  
16 challenging times, continue to give us the empowerment to fulfill our obligations to our  
17 fellow citizens, and help us to make our country a meeting ground of cultures and races,  
18 where men and women of different talents may find in each other the fulfillment of their  
19 common humanity. O Lord, bless and guide the righteousness all those that will serve and  
20 benefit from thy assistance. O Lord, we ask that you accept our prayer. Amen.

21  
22 COUNCIL PRESIDENT ANDREWS:

23 Amen. Thank you, Imam, and I would actually ask everybody to just stand for a minute to--  
24 - I want to have a moment of silence to--in recognition of those who lost their lives last  
25 week in the shooting at Fort Hood. There's a memorial service this afternoon, and our  
26 hearts and prayers go out to the families of the victims and their friends. So, let's have a  
27 moment of silence, please. Thank you. We're now going to have a presentation and  
28 proclamation in recognition of Teen Dating Abuse Awareness Month. Councilmember  
29 Trachtenberg is going to read the proclamation, and I will join her, and I want to ask the  
30 people who are here with us today-- John McCarthy, our State's Attorney; the Honorable  
31 Marielsa Bernard-- Judge Bernard-- Deputy Sheriff Darren Popkin; Laura Chase, Deputy  
32 State's Attorney; Hannah Sassoon, the Domestic Violence Coordinator of the Office of the  
33 Sheriff and acting director of the Family Justice Center; Karla Smith, the chief of the  
34 Family Violence Unit at the State's Attorney's office; and Nadja Cabello of HHS, who is in  
35 charge of the Victims Assistance and Sexual Assault programs. So please join us at the  
36 front, and we're glad you're here.

37  
38 COUNCILMEMBER TRACHTENBERG:



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1 I want to thank you all for being here this morning for this proclamation, this recognition.  
2 I'm just going to make some very brief remarks, which is that we know that teen date  
3 violence is much more common than, certainly, a lot of people recognize. A lot of surveys  
4 have been done over the years about the actual occurrence, and we know that 40% of  
5 young women nationally between the ages of 14 and 17 know another girl-- if not  
6 themselves, another student who actually has been engaged in a violent dating  
7 relationship. We also know, through other surveys, that roughly 67% of sexual assault of  
8 young women and college students is actually a result of date violence, and oftentimes  
9 date rape, so this is a problem for sure, and this month we are recognizing the  
10 significance of this kind of abuse. So I want to thank all of you for being here. I want to  
11 thank the Council President for arranging this, and I'm going to read the proclamation from  
12 the County Council of Montgomery County, Maryland. "Whereas, youth in our community  
13 are our most precious resource and hold the greatest hope for the future; and whereas,  
14 ensuring their well-being and positive growth as they develop and mature into healthy  
15 citizens is a priority and a duty that we all share; and whereas, the transition from  
16 adolescence to adulthood is a challenging time for many young people as they seek  
17 independence and attempt to make choices about their future goals and personal  
18 relationships; and whereas, teen dating abuse is a serious crime that affects people of all  
19 races, ages, income levels, and gender, and although as many as one in three teens will  
20 experience dating violence in these new relationships, research shows that 2/3 of them  
21 will never report it; and whereas, the same technology that has advanced our society has  
22 had a negative impact in some teen dating situations, as one in three teens who have  
23 been in relationship report that they have received dozens of text messages within hours'  
24 time from a jealous boyfriend or girlfriend attempting to harass them; and whereas, the  
25 Montgomery County supports increasing community awareness among teens, parents,  
26 and professionals around the problems of dating violence and encourages our youth to  
27 choose respect in their dating relationships and speak out against dating abuses; now  
28 therefore be it resolved that the County Council of Montgomery County, Maryland,  
29 proclaims November 2009 as Teen Dating Abuse Awareness Month in Montgomery  
30 County; and be it further resolved that the Council urges all residents to work to stop this  
31 tragedy from occurring and encourages residents, parents, and others to be aware that  
32 this a problem that must be addressed by everyone, by the entire community." Presented  
33 on this 10th day of November in the year 2009 and signed by the Council President, Phil  
34 Andrews.

35  
36 COUNCIL PRESIDENT ANDREWS:  
37 Thank you all for your good work.

38  
39 COUNCILMEMBER TRACHTENBERG:



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1 Did you or anyone want to make remarks? Phil?

2  
3 COUNCIL PRESIDENT ANDREWS:

4 Thank you. I just wanted to echo what Councilmember Trachtenberg said, and I  
5 understand there's a very important conference coming up this coming weekend, I think,  
6 and if someone would like to talk about that just a bit... give you a chance to make people  
7 aware of it. Judge Bernard has chaired the Domestic Violence Coordinating Commission  
8 incredibly well the last several years. And thank you for doing that.

9  
10 MARIELSA BERNARD:

11 Thank you very much. Well, we do have a conference this Saturday. It's going to be from  
12 9:30 until 3:30. We've had a phenomenal response to it. We have over 220 people-- I  
13 think about 60-70 parents, and then the rest are youth that are going to be coming to this  
14 conference, because we really feel that the key is education. So many kids get involved in  
15 relationships, and they don't really realize what is abuse. It doesn't have to be physical  
16 abuse. It can certainly be texting, control-- all different kinds of warning signs exist in a  
17 relationship, and we're just hoping that we're going to be able to educate the youth of  
18 Montgomery County so that they know what is a good relationship and what is not a good  
19 relationship. So I hope that you can spread the word, and we hope to see as many people  
20 there in support of this initiative on Saturday. Thank you very much.

21  
22 COUNCIL PRESIDENT ANDREWS:

23 Thank you, Judge Bernard. Let me just say, I think we've got the finest team of people in  
24 the country working to address the issue of domestic violence, the team assembled  
25 behind me-- Chief Deputy Darren Popkin; State's Attorney John McCarthy; Judge  
26 Bernard; Laura Chase, Deputy State's Attorney; Karla Smith, head of the Family Violence  
27 Division in the State's Attorney office; Nadja Cabello at HHS with the Victims Assistance  
28 program and Sexual Assault program; and the director-- coordinator of our domestic  
29 violence efforts under the office of the Sheriff, Hannah Sassoon. These folks do terrific  
30 work on behalf of the people of this County and are pushing the envelope in terms of  
31 services to victims of domestic violence and to ensure the appropriate prosecution of  
32 offenders. So thank you all very much for the great work you do on behalf of the people of  
33 this County.

34  
35 NEIL GREENBERGER:

36 Wait, wait, wait, wait. Picture.

37  
38 COUNCIL PRESIDENT ANDREWS:



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1 Thank you, everybody, and I want to thank Councilmember Trachtenberg for her  
2 outstanding leadership in spearheading the effort for the Family Justice Center, which has  
3 now served over a thousand victims in the-- since April. Our next presentation will be a  
4 presentation in recognition of Buffalo Soldier James Daugherty by Councilmember Ervin  
5 and myself, and I'd ask Mr. Daugherty if he can join us-- Councilmember Knapp, as well--  
6 and we'll meet right at the front there.

7  
8 COUNCILMEMBER ERVIN:

9 Take your-- take your time.

10  
11 COUNCILMEMBER KNAPP:

12 We're on your schedule.

13  
14 JAMES DAUGHERTY:

15 This is the best part of it, making this walk.

16  
17 COUNCILMEMBER ERVIN:

18 Ha ha! Good morning, Mr. Daugherty.

19  
20 JAMES DAUGHERTY:

21 Good morning.

22  
23 COUNCILMEMBER ERVIN:

24 It is truly an honor for me this morning to rise to the microphone on this eve of Veterans  
25 Day to introduce to you a very, very special person, Mr. James Daugherty, who served in  
26 World War II in the 92nd Infantry Division as a Buffalo Soldier. I met Mr. Daugherty a  
27 couple of months ago at the Kefa Café, where he gave a talk about a book that he wrote.  
28 He actually wrote this book at the end of World War II and had it self-published recently--  
29 the title, "The Buffalo Saga." Little did I know from that moment, after hearing his story,  
30 that it propelled me into my own personal journey about my father, who also served in  
31 World War II. He lied about his age, went into the Army at the age of 17. My family and I  
32 have been doing a lot of research, Mr. Daugherty, since I first met you, to find out where  
33 he was and how he served and where he served. But we do know that he was in Italy, but  
34 he did not serve in the 92nd Division. I've read Mr. Daugherty's book, and I would  
35 recommend to all of you to try to find a copy of it-- "The Buffalo Saga"-- and before I  
36 introduce Mr. Daugherty to come to the microphone, there is a great chapter in the book  
37 at the very end called "Coming Home," and I think it really sums up for all of us, myself in  
38 particular, what your service and all the men you served with in World War II in the Buffalo  
39 Soldiers-- what that has meant to African Americans and to all Americans, and I'd like to

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1 just share this chapter for everyone. And this is "Coming Home." "All of a sudden, there it  
2 was-- a big sign saying you are now entering Washington, D.C., the nation's capital.  
3 Speed limit is 25 miles per hour. I looked up at a small signpost on a street corner, and it  
4 read Rhode Island Avenue Northeast. Good old Rhode Island Avenue. I could have  
5 kissed its well-swept streets. I looked around at the happy faces that surrounded me.  
6 Some of the men were big, some were small; some of them were short, and some were  
7 tall. Privates, corporals, sergeants, and even a private first class were here. They lived in  
8 northeast, southeast, southwest, and northwest Washington. Their schooling ranged from  
9 the fifth grade through college. Economically, they ranged from the poorest to the well off.  
10 The complexions ranged from black to white. On the shoulder of one of the patch was a  
11 patch from the Quartermaster Corps. Attached to the shoulder of another was the head of  
12 a tiger, which meant that he was from a tank destroyer outfit. The fellow next to him was a  
13 former member of a famous tank outfit that had chased the Germans all the way to Berlin.  
14 My eyes couldn't resist settling upon the insignia of the field artillery-- the fellows who  
15 threw the big stuff. In the front seat was a soldier who had belonged to a port battalion.  
16 Two other men wore the patch of the Engineers, and I-- I proudly wore on my shoulder a  
17 buffalo. All of us had 3 things in common that crossed our minds:  
18 we were all discharged soldiers, we were all black American soldiers, and as we alighted  
19 from the cab at the top of the hill on Rhode Island Avenue and the midafternoon sun  
20 shone brightly upon the dome of the United States capitol in the distance, we all had the  
21 same thought-- to you, our big, fertile country, we say, our eyes are wide open. We are  
22 looking to see your freedom. Through some twist of fate, we have kept the faith. The road  
23 has been long and hard. Blood and sweat, death and destruction have been our  
24 companions. We are home now, though our flame flickers low. Will you fan it with the  
25 winds of freedom, or will you smother it with the sands of humiliation? Will it be that we  
26 fought for the lesser of two evils, or is this freedom and happiness for all men?" And so I  
27 would like to introduce to you right now Mr. James Daugherty, Buffalo Soldier.

28  
29 JAMES DAUGHERTY:

30 Well, after hearing that, I'm going to try to talk to you. When I was a youngster growing up,  
31 we used to go to our elementary school, which was right across the street from me. I lived  
32 at 779 Kenyon Street, and if you know Washington, that's at Sherman Avenue and  
33 Kenyon Street, and right across the street from me is the elementary school. And when I  
34 went to the school, they used to always have us sing patriotic songs. One of them went  
35 somewhat like this, but maybe not exactly. It said, "My country, 'tis of thee, sweet land of  
36 liberty," and I guess you've heard that. So what we're looking for now is the sweet land of  
37 liberty. I'm talking about that not in terms honors to me, but honors to this Council that I  
38 stand before, because daily, you struggle with trying to make this the land of liberty. That's  
39 your job, and that's a tough one. And for me to be honored by a group like that, that



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1 spends its hard, tough times struggling to do this-- to be honored by them is certainly a  
2 wonderful honor and tribute to me. And when you honor me, you also honor my family,  
3 which makes it even more important to me. So I'm saying this to try to tell you, with some  
4 words, how much I appreciate the fact that this Council has decided to do what you're  
5 doing for me today. Thank you so much, all of you.

6  
7 COUNCIL PRESIDENT ANDREWS:

8 Thank you.  
9

10 COUNCILMEMBER ERVIN:

11 So now I'm going to try to read this proclamation, but I just took the microphone out of the  
12 place it's supposed to be in. I just want to also acknowledge a veteran in our presence,  
13 Councilmember Mike Knapp, who is joining us for the presentation of the proclamation,  
14 and of course President Phil Andrews, and, Phil, if you don't mind, if you could read the  
15 proclamation for me because-- and I'll hold the microphone for you.

16  
17 COUNCIL PRESIDENT ANDREWS:

18 OK. All right. Very good. Let me say, Mr. Daugherty, you honor us with your presence,  
19 you honored our country-- you and your fellow Buffalo Soldiers-- with your exemplary  
20 service in World War II, and thank you for being here today.

21  
22 JAMES DAUGHERTY:

23 Thank you.  
24

25 COUNCIL PRESIDENT ANDREWS:

26 "Whereas, James H. Daugherty, a Silver Spring resident, at age 19 served our country in  
27 the European Theater as a soldier in the Army's 92nd World War II Infantry Division, a unit  
28 made up of African Americans and who were known as the Buffalo Soldiers; and whereas,  
29 Mr. Daugherty was awarded a Bronze Star for heroic achievement and a Combat  
30 Infantryman Badge for outstanding performance of duty; and whereas, following his  
31 discharge from the military, Mr. Daugherty had a distinguished career serving in  
32 administrative positions in the United States Public Health Service and was the first  
33 African American to serve on the Montgomery County Board of Education; and whereas,  
34 James H. Daugherty's book "The Buffalo Saga" is a firsthand account of his perilous and  
35 heroic journey in the only all-African American division-strength unit, as well as a  
36 compassionate, perceptive view of human rights and social justice-- injustice at home and  
37 abroad, about heroism, courage, and a story of sacrifice made by his distinguished  
38 comrades in World War II; and whereas, in 1992, Congress established National Buffalo  
39 Soldiers Day to recognize the courage and patriotism of these brave soldiers, who played



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1 such a significant role in the history of our country; and whereas, the Montgomery County  
2 Council wished to thank Mr. Daugherty for his contributions to the United States and to  
3 our County; now therefore be it resolved that the County Council of Montgomery County,  
4 Maryland, wishes to thank Buffalo Soldier James Daugherty for his valuable contributions,  
5 his leadership, and his commitment to academic excellence." It's presented on the 10th  
6 day of November and signed by myself, representing the Council. Thank you so much.

7  
8 JAMES DAUGHERTY:

9 Thank you, sir. I'd like to say one-- one other thing. I don't think I would have completed  
10 this book and got it published if it had not been for the hard work of my beautiful and  
11 wonderful wife you see here with me--Dorothy.

12  
13 COUNCIL PRESIDENT ANDREWS:

14 OK. Good job.

15  
16 JAMES DAUGHERTY:

17 And the strong support from my son, who gets us around and to the right places and tells  
18 us when we're doing right or wrong-- Derek Daugherty. I have 3 other sons, also, who  
19 help me quite a bit. Thank you.

20  
21 COUNCIL PRESIDENT ANDREWS:

22 All right. Well, thank you. Thank you all. All right.

23  
24 COUNCILMEMBER ERVIN:

25 So do you want this...

26  
27 NEIL GREENBERGER:

28 Maybe Mrs. Daugherty could hold the proclamation. That would be great. Just stay right  
29 where you are. Bear with us. You all done? OK. I'm going to take 2 more. Big smile from  
30 everybody. That's great. Thank you.

31  
32 COUNCIL PRESIDENT ANDREWS:

33 Mike, do you want to speak?

34  
35 COUNCILMEMBER KNAPP:

36 No.

37  
38 COUNCIL PRESIDENT ANDREWS:

39 OK.



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1  
2 COUNCILMEMBER ERVIN:

3 Thank you.

4  
5 COUNCIL PRESIDENT ANDREWS:

6 Thank you, Councilmember Ervin. Tomorrow is Veterans Day, and I know that all my  
7 colleagues want to thank all of our veterans for their service to our country, and we thank  
8 Councilmember Knapp for his service to our country, as well. OK. We're now going to go  
9 on to general business, announcement of agenda, and calendar changes. Miss Lauer.

10  
11 LINDA LAUER:

12 We have no changes to announce today, and we received no petitions to announce  
13 either. Thank you.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 All right. OK. Thank you. I will announce-- I've had some-- I've consulted with my  
17 colleagues, and in terms of the session that we have scheduled for the discussion of the  
18 Locally Preferred Alternative for I-270 and the Corridor Cities Transitway, we are going to  
19 have a worksession today, and the vote on that will be next Tuesday. But we will have a  
20 full worksession. We have the state here to answer questions about the various options,  
21 and we look forward to that coming up fairly soon. We're now going to move on to action  
22 on approval of the minutes of October 27, 2009. All those in favor of approving those  
23 minutes, please raise your hand. That's Councilmember Navarro, Councilmember Elrich,  
24 Councilmember Trachtenberg, Councilmember Floreen, myself, Council Vice President  
25 Berliner, Councilmember Knapp-- and is anybody else around the corner there?

26  
27 COUNCIL VICE PRESIDENT BERLINER:

28 Val. Val, raise your hand.

29  
30 COUNCIL PRESIDENT ANDREWS:

31 Councilmember Ervin. All right. OK. And that's 1, 2, 3, 4, 5, 6-- that's 8-0. Minutes  
32 approved. Consent Calendar.

33  
34 COUNCILMEMBER KNAPP:

35 So moved.

36  
37 COUNCIL PRESIDENT ANDREWS:

38 So moved by Councilmember Knapp. Seconded by  
39



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1 COUNCILMEMBER FLOREEN:

2 Second.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 Councilmember Floreen. Any comments on the Consent Calendar, anybody? All right. I  
6 will note that we're confirming several appointments by the County Executive to boards  
7 and commissions, and we thank those who are being appointed today for their willingness  
8 to serve or, as it may be, continue to serve by being reappointed to the commission.  
9 Today we'll be confirming appointments to the Bethesda Urban Partnership Board of  
10 Directors. Those individuals are Thomas Murphy, Lauren Jezienicki, Andrew O'Hare, and  
11 Mark Kramer. We're also confirming County Executive appointments to the Commission  
12 on Veterans Affairs-- Richard Schiffauer, Jacqueline Ogg, Peter Esker, William Gray, and  
13 J. Mauri Hamilton; to the Community Action Board, Steven Galen; to the County-wide  
14 Recreation Advisory Board, Daniel Johnston; and to the Upcounty Recreation Advisory  
15 Board, Ed Socha. So thank you all for your willingness to serve our County in this very  
16 important role. I do not see-- oh, I see Councilmember Knapp has a-- has his light on.

17  
18 COUNCILMEMBER KNAPP:

19 Thank you, Mr. President. I just wanted to make some brief remarks on the Commission  
20 of Veterans Affairs. We are appointing, as you indicated, 5 folks to that group today, and I  
21 just wanted to reiterate the importance of that, in light of the tragedy we've seen at Fort  
22 Hood, and you recognized in our-- in our moment of silence at the beginning that the  
23 demands of the conflicts and wars that our nation is currently involved in, and the men  
24 and women who are serving are dealing with demands and pressures unlike in any time of  
25 service in the military in our country. And I think it's critically important that we continue to  
26 keep that in mind, and I was pleased to join with the County Executive when we  
27 announced the formation of this Commission on Veterans Affairs to ensure that we are  
28 looking at the totality of the issues that-- as our veterans are returning and also dealing  
29 with the issues that their families are trying to address in their absence. It is very  
30 important, and it's very critical that we keep that foremost in the decisions that we make,  
31 and I'm very pleased we have a Commission on Veterans Affairs and thank these 5 folks  
32 for their willingness to serve.

33  
34 COUNCIL PRESIDENT ANDREWS:

35 Thank you, Councilmember Knapp. All right. I don't see any other lights, so with that, all  
36 those in favor of the Consent Calendar, please raise your hand. That's Councilmember  
37 Navarro, Councilmember Elrich, Councilmember Trachtenberg, Councilmember Floreen,  
38 myself, Council Vice President Berliner, Councilmember Knapp, and Councilmember  
39 Leventhal. So Consent Calendar is approved, 8-0. We're now going to go on to Item 3.1,



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1 introduction of bills. We have one bill for introduction today. That is Expedited Bill 40-09,  
2 Personnel - Audits - Trust Fund, sponsored by myself. We have a public hearing  
3 scheduled for November 17 at 1:30. Very briefly, this bill would ensure that the Council is  
4 ensuring compliance with the Charter by ensuring that there are annual audits done of all  
5 of our trust funds that we sponsor or are responsible for as a fiduciary. So the measure  
6 will have a public hearing on the 17th, and I believe it's an important measure to help  
7 ensure that we are complying with the Charter requirement in this area. Councilmember  
8 Floreen.

9  
10 COUNCILMEMBER FLOREEN:

11 Thank you. I just had a question for staff on this subject, and perhaps you've looked into  
12 this, Mr. Council President. This brought to mind my question after reading the Charter of,  
13 what is it that we do not audit? And...it-- the Charter language addresses County funds  
14 and... Let's see here. County-- "all financial records and actions of the County, its officials,  
15 and employees." And so my question would be, is there any group organization that that  
16 excludes? I see Park and Planning is here. I don't know if we look into their-- conduct an  
17 independent audit of their records. Revenue Authority. Other County-backed operations. I  
18 guess I'd ask, Mr. Drummer, if you could take a look into that arena for me.

19  
20 ROBERT DRUMMER:

21 Sure.

22  
23 COUNCILMEMBER FLOREEN:

24 I think the concept is a fine one in this regard. It simply raised the question of, was there  
25 something else that we were not taking a look at?

26  
27 COUNCIL PRESIDENT ANDREWS:

28 Very good question, and I appreciate it, and I know that Mr. Drummer will look into it. The  
29 Audit Committee is meeting today to-- to have a first worksession on the measure, and we  
30 will bring that up.

31  
32 COUNCILMEMBER FLOREEN:

33 Great. Thank you.

34  
35 COUNCIL PRESIDENT ANDREWS:

36 OK. Thank you. All right. So the bill is introduced without opposition, and we'll now go on  
37 to meet as the Board of Health, and that's Item 4-- Introduction. Resolution to adopt a  
38 Board of Health Regulation requiring a disclaimer for certain pregnancy resource centers,  
39 sponsored by Councilmembers Trachtenberg, Ervin, Navarro, Floreen, Elrich, Leventhal,



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1 and Berliner. The public hearing is scheduled for December 1 at 1:30 PM, and I will turn to  
2 the lead sponsor of the measure, Councilmember Trachtenberg.

3  
4 COUNCILMEMBER TRACHTENBERG:

5 Thank you, President Andrews. This Health Board regulation being introduced today  
6 would require a crisis pregnancy center to provide a client or a potential client simply with  
7 a disclosure, which in my mind is a consumer protection that is critical, and what that  
8 disclaimer would do is basically provide information making it clear that the center was not  
9 in a position to, A, provide medical advice or, B, establish a doctor-patient relationship.  
10 And this is a disclosure that has been discussed within the women's community with the  
11 reproductive health community for a number of years. There was a report issued by  
12 Representative Waxman down in Congress in 2006 in which it became abundantly clear  
13 that many people who go into these centers do not understand the range of services  
14 provided, and the fact that counseling is the primary charge of the center, not providing  
15 medical assistance. There was also a report in 2008 issued by Maryland NARAL around  
16 the function of these centers in the state. I'm sure there will be robust conversation  
17 December 1 when we have a public hearing and in any of the subsequent worksessions  
18 within HHS. I'd like to take the opportunity to thank the many cosponsors of the regulation,  
19 and I look forward to the dialogue. Again, it is simply a consumer protection matter,  
20 providing optimal information to those that are looking for services.

21  
22 COUNCIL PRESIDENT ANDREWS:

23 Thank you, Councilmember Trachtenberg, and I see no other comments and no  
24 opposition to the introduction. The measure is introduced. Public hearing is scheduled for  
25 December 1 at 1:30. We will now go on to meet in the District Council role and will have  
26 our District Council session on action on the 2009-2011 Growth Policy, and I will turn to  
27 the chair of the PHED Committee, Councilmember Mike Knapp, for his summary.

28  
29 COUNCILMEMBER KNAPP:

30 Thank you, Mr. President. This packet contains, really, the actions that the committee  
31 took-- or the Council took in its straw votes last week. There were 2 unresolved issues  
32 that I will turn to. Mr. Orlin-- Oh, he's in front of us today. OK. His more formal position-- to  
33 walk us through the White Flint Policy Area decisions that we have. There is, or there  
34 were, a series of elements that had not been raised in either the committee or the full  
35 Council sessions that were included on page 29 in the packet, which we are not  
36 considering. They were included in the packet, but I believe...

37  
38 GLENN ORLIN:

39 I'll talk about it.



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1  
2 COUNCILMEMBER KNAPP:

3 You're going to talk about that, as well?  
4

5 GLENN ORLIN:

6 Sure.  
7

8 COUNCILMEMBER KNAPP:

9 OK. So we have the 2 issues in White Flint Policy Area as to what the boundaries are. We  
10 have special transit mitigation areas in which-- I believe Councilmember Leventhal and  
11 Councilmember Berliner had asked for additional information, which isn't covered here in  
12 the packet, and then the additional items that had not been covered in committee or  
13 Council sessions which will be removed from the actual resolution itself. Mr. Orlin?  
14

15 GLENN ORLIN:

16 Just to start, you should have 2 packets-- the main packet, and there's actually a 2-page  
17 addendum. If you don't, we can get copies for you. The first item that you have yet to take  
18 up is the White Flint Policy Area boundary. This is separate from the issue of the  
19 proposed carve-out of the White Flint Policy Area. On that, what the discussion was, was  
20 that you would not include that as part of this Growth Policy, that you'd first talk about  
21 whether or not you wanted to do that as part of the deliberations on the Sector Plan and  
22 that there would be a concurrent, or shortly following after, Growth Policy amendment that  
23 would deal with anything that would have to be changed in the Growth Policy as pertains  
24 to that carve-out. But a separate issue, related issue, is the boundary of White Flint itself.  
25 You recall, 4 years ago, the Council, at least tentatively, approved expanding the  
26 boundary to what was then the Sector Plan boundary. Council, however, at that point did  
27 not approve the Growth Policy, so that change was not made. The Planning Board this  
28 time has recommended changing the boundary to the Sector Plan boundary again, and  
29 the PHED Committee-- Council staff's and PHED Committee's majority recommendation  
30 was to make that change now. Mr. Knapp and Miss Floreen voted in the affirmative on  
31 that. Mr. Elrich did not, recommending that that be taken up after the Growth-- after the  
32 Sector Plan is decided. So those are the 2 options for you here. You could either approve  
33 the Sector Plan boundary as the boundary for the White Flint Policy Area, or you could not  
34 do that now, in which case the Policy Area should revert to its pre-2007 boundary. As I  
35 pointed out in the worksession, there was a mistake that was made in the 2007-2009  
36 resolution. It showed the wrong boundary. So it would return to the boundary pre-2007  
37 and take up this matter again as part of a follow-up Growth Policy amendment on the  
38 White Flint Sector Plan. Those are the 2 options.  
39

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1 COUNCILMEMBER KNAPP:

2 Which is-- which is what we're going to do anyway for the other pieces, so this would be  
3 something that would roll into that, potentially.

4  
5 GLENN ORLIN:

6 Right.

7  
8 COUNCILMEMBER KNAPP:

9 And so, what are the practical implications, since we're going to begin the overview of the  
10 White Flint Master Plan in a week, and presumably that should be before the full Council,  
11 hopefully, by the time we get back from recess?

12  
13 GLENN ORLIN:

14 The difference is about probably 2 or 3 months between the time that you would adopt--  
15 between now and the time that you would adopt a White Flint Sector Plan.

16  
17 COUNCILMEMBER KNAPP:

18 But practically, what would-- what would be the implications of any decision or anything  
19 that could happen on the ground in the 2- or 3-month period?

20  
21 GLENN ORLIN:

22 If someone applied for Impact Tax credits-- or if someone applied for a building permit  
23 within the area that's between the pre-2007 boundary and the Sector Plan boundary, they  
24 would get half the impact taxes, as opposed to paying the full impact tax. The-- If there's  
25 anyone going through Local Area Review, at that point in time, they would use the test  
26 that's currently in place, which is 1,800 for the Metro Station Policy Area and I believe it's  
27 1,400--1,650? Natalie knows. 1,650. Thank you. 1,650 surrounding White Flint. And if the  
28 Sector Plan boundaries change, it would be 1,800 for all intersections with the larger area.

29  
30 COUNCILMEMBER KNAPP:

31 Which means practically, if it's going to be with 2 or 3 months, no one is probably going to  
32 do either of those things, because we're going to do something within 2 or 3 months.

33  
34 GLENN ORLIN:

35 That's probably right.

36  
37 COUNCILMEMBER KNAPP:

38 OK.

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1 COUNCIL PRESIDENT ANDREWS:

2 Thank you, Dr. Orlin and Councilman Knapp. Council Vice President Berliner.

4 COUNCIL VICE PRESIDENT BERLINER:

5 Well, given that explanation-- and I don't know if the committee chair or the committee  
6 would consider revising its recommendation in this regard-- I would urge my colleagues  
7 to--

9 COUNCILMEMBER FLOREEN:

10 We're going to do it in 2 weeks.

12 COUNCIL VICE PRESIDENT BERLINER:

13 I would urge us to postpone consideration of this until we take it up.

15 COUNCILMEMBER KNAPP:

16 That's fine. No problem. Since we're-- since we've got it on schedule, we can do it, and  
17 we're going to be there.

19 COUNCIL VICE PRESIDENT BERLINER:

20 And we can deal with all these issues comprehensively.

22 COUNCILMEMBER KNAPP:

23 Make a committee recommendation, and therefore, we can just adopt. Great. Perfect.

25 COUNCIL VICE PRESIDENT BERLINER:

26 That sounds like a plan to me.

28 COUNCIL PRESIDENT ANDREWS:

29 OK.

31 GLENN ORLIN:

32 So it sounds like the pre-2007 boundary. Is that correct?

34 COUNCILMEMBER KNAPP:

35 Yes.

37 GLENN ORLIN:

38 OK.

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1 COUNCIL PRESIDENT ANDREWS:

2 OK. So that's the committee recommendation. Councilmember Leventhal has his light on  
3 on this issue. Councilmember Leventhal.

4  
5 COUNCILMEMBER LEVENTHAL:

6 Well, I guess this seems to be resolved amicably. The-- the-- just-- I'm just trying to  
7 understand. We're getting a lot of email on this. Presumably, there's a rim of residential  
8 neighborhoods that are in the Growth-- the PAMR area, but not in the Sector Plan area.  
9 So if you expand-- I'm just trying to understand the points of view that people are emailing  
10 me about. So if you expand the Sector Plan area to conform to the boundaries of the  
11 PAMR area, you're including more of these residential neighborhoods in the area. Is that  
12 what it is?

13  
14 GLENN ORLIN:

15 If you-- if you expand the Metro Station Policy Area to the size of the Sector Plan Area,  
16 which is larger, then you would be including more commercial areas. I'm not sure if you're  
17 including any more residential areas. Now, there may be-- Dan Hardy--

18  
19 DAN HARDY:

20 For the record, Dan Hardy, Planning Board staff.

21  
22 COUNCILMEMBER LEVENTHAL:

23 Why am I getting all this email? That's the question.

24  
25 DAN HARDY:

26 There's 2 concerns.

27  
28 COUNCILMEMBER LEVENTHAL:

29 I'm not the only one who's getting it, I know.

30  
31 COUNCIL VICE PRESIDENT BERLINER:

32 You won't, if you just vote this way. That's the-- they'll stop.

33  
34 COUNCILMEMBER LEVENTHAL:

35 The email will stop?

36  
37 COUNCIL VICE PRESIDENT BERLINER:

38 It'll stop. It'll stop, I promise.





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1 COUNCILMEMBER LEVENTHAL:

2 If we just defer the decision for 2 weeks? Somehow, that seems unlikely.

4 COUNCIL VICE PRESIDENT BERLINER:

5 It'll stop.

7 COUNCILMEMBER LEVENTHAL:

8 These are smart people. They'll figure it out.

10 DAN HARDY:

11 Emails will stop for 2 weeks. The concern is that in those commercial areas, intersections  
12 that are in the difference of the Sector Plan boundary and the current Policy Area  
13 boundary--

15 COUNCILMEMBER LEVENTHAL:

16 Slow down.

18 DAN HARDY:

19 OK.

21 COUNCILMEMBER LEVENTHAL:

22 Start again, please.

24 DAN HARDY:

25 The difference between the current Policy Area boundary and the Sector Plan boundary is  
26 essentially commercial areas, not the residents or the folks who are complaining. The  
27 issue is that there are a couple of intersections whose congestion standards would  
28 change within the Sector Plan boundary area. So there is a concern that by expanding the  
29 Policy Area boundary to match the Sector Plan boundary, we're making it easier for  
30 development to occur within the Sector Plan Area but not mitigate congestion.

32 COUNCILMEMBER LEVENTHAL:

33 And how is a 2-week deferral going to satisfy these people?

35 GLENN ORLIN:

36 It's not a 2-week. It's more like a 3-month deferral. On the merits, we believe the Sector  
37 Plan boundary is the right boundary, which is why we recommended it 4 years ago and  
38 again now.

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1 COUNCILMEMBER LEVENTHAL:

2 Are we applying PAMR in White Flint under this Growth Policy?

4 GLENN ORLIN:

5 Yes.

7 COUNCILMEMBER FLOREEN:

8 Until we change it.

10 GLENN ORLIN:

11 Until it's changed, yes. Until or unless--

13 COUNCILMEMBER LEVENTHAL:

14 Until we adopt the White Flint Sector Plan.

16 GLENN ORLIN:

17 Until or unless it's changed, yes.

19 COUNCILMEMBER LEVENTHAL:

20 But the White Flint Sector Plan calls for change to PAMR in the White Flint Policy Area.

22 GLENN ORLIN:

23 Correct, and the way to implement that would be a follow-on Growth Policy amendment  
24 for White Flint, which is what Mr. Knapp just talked about.

26 COUNCILMEMBER LEVENTHAL:

27 We believe we're going to do all that within the next few months?

29 GLENN ORLIN:

30 The plan is that the PHED--

32 COUNCILMEMBER LEVENTHAL:

33 Including a Growth Policy amendment?

35 GLENN ORLIN:

36 Mr. Leventhal, the plan is that once the PHED Committee has gone through its cut of the  
37 Sector Plan, then there would be a Growth Policy amendment that's introduced that  
38 reflects at least the committee's recommendation at that time. There is a 45-day period  
39 that's required for the Executive and the School Board, I guess-- no, the Planning Board--



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1 to weigh in on any amendment like that. And by the time the Council finishes the Sector  
2 Plan, the Growth Policy amendment could probably be adopted the same day. If not,  
3 maybe a week or two later. They'll run concurrently.

4  
5 COUNCILMEMBER LEVENTHAL:

6 Thank you.

7  
8 COUNCIL PRESIDENT ANDREWS:

9 OK. Thank you, Councilmember Leventhal. Councilmember Elrich.

10  
11 COUNCILMEMBER ELRICH:

12 I'll skip it.

13  
14 COUNCIL PRESIDENT ANDREWS:

15 Skip it. OK. All right. So there's agreement on Council Vice President Berliner's  
16 suggestion-- the committee suggestion, committee recommendation, conform. So that's  
17 accepted, and next was the special transit mitigation areas. Councilmember Knapp?

18  
19 GLENN ORLIN:

20 Could I talk about that as well, too?

21  
22 COUNCIL PRESIDENT ANDREWS:

23 Dr. Orlin.

24  
25 GLENN ORLIN:

26 There are actually 2 things here. One is, you remember that Councilmember Berliner had  
27 made a motion that the Council had agreed to that the payment would be 2/3 for transit  
28 service and 1/3 generically for transportation, but you wanted a definition for transit  
29 service. I want to point this out to you. This is on the bottom of page 9 and the top of page  
30 10 of the packet, which is part of the resolution. The definition of transit services in that  
31 last line-- and I'd like to make one change to that, if I can. This came up just yesterday.  
32 The last line says, "As used in this paragraph, transit system includes Metrorail, Metrobus,  
33 Ride On, and MARC commuter rail." What I'd prefer you do instead is to say, "Transit  
34 system includes the transit systems of-- includes Ride On, the Washington Metropolitan  
35 Area Transit Authority, and the Maryland Transit Administration." The reason why I say  
36 that is because WMATA covers both Metrobus and Metrorail, but it's important to say MTA  
37 because MTA covers not just the MARC commuter rail, it covers a couple of bus routes  
38 that they're currently providing. It also covers the Purple Line and the CCT, and I think



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1 you'd want to include that in here, as well. So if you're OK with that change, we would do  
2 that.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 OK. Don't see any objection to it.

6  
7 GLENN ORLIN:

8 The more substantive change--

9  
10 GARY ERENRICH:

11 Can I comment on that for a second? Gary Erenrich, Department of Transportation. We  
12 concur with that change, but we would like it expanded slightly to include all other  
13 infrastructure that improves the efficiency and operation of transit. Right now, if we add a  
14 Park and Ride lot to serve things, we want to make sure that the money can be used for  
15 that, Next Bus or passenger information systems. And also dealing with queue jumpers--  
16 things that may affect roadway improvements that improve transit operations. So we  
17 would like a broad system definition of transit that includes those operators, but also  
18 efficient operation-- the infrastructure needed for efficient operations.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 OK. Looks like everybody is agreeable to that.

22  
23 GLENN ORLIN:

24 Makes sense.

25  
26 COUNCIL PRESIDENT ANDREWS:

27 So if you want to finalize that language, the concept is supported. Councilmember Elrich.

28  
29 COUNCILMEMBER ELRICH:

30 This is one place where I have reservations-- not about what you're asking to expand to,  
31 but the issue of including MARC stations or even, to some extent, the MTA buses,  
32 because while the Purple Line and whatever we do on the CCT are bidirectional, and  
33 everything else we have in the transit system is pretty much bidirectional, the MARC  
34 stations are not bidirectional. They function in one direction, they function in one direction  
35 only, with horrible frequency, and simply have very, very limited utility. So I find it a real  
36 stretch to say you can plan any kind of transit-oriented development around the MARC  
37 station as a Marc station operates today. It is not a high-capacity true corridor. It just  
38 simply takes people in one direction, and if you're going to plan any kind of development,  
39 you've got to assume that people are going to probably be coming from at least 4



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1 directions, and it would be nice to serve 2 of them, and this only serves one of them, and I  
2 think that makes it not a good idea for letting somebody get a-- get a pass on the regs.

3  
4 GLENN ORLIN:

5 Well, there are plans to expand the MARC system, as you know, to make it bidirectional.  
6 Currently, you're absolutely right.

7  
8 COUNCILMEMBER ELRICH:

9 What year would that be? Isn't it like 2030, 2035?

10  
11 GLENN ORLIN:

12 It would be out in time, Mr. Elrich.

13  
14 COUNCIL VICE PRESIDENT BERLINER:

15 If I could, let me just clarify.

16  
17 GLENN ORLIN:

18 It's there.

19  
20 COUNCILMEMBER ELRICH:

21 But the stations are there, and you make a decision based on that.

22  
23 COUNCIL VICE PRESIDENT BERLINER:

24 This does broaden the definition of where development can take place. This simply  
25 defines where the dollars that we do allow can go. So I don't believe your concern is  
26 relevant to this particular conversation. We're not-- we are not, in this definition here,  
27 expanding the Policy Area-- the Alternative Review.

28  
29 COUNCILMEMBER ELRICH:

30 We're playing with dollars.

31  
32 COUNCIL VICE PRESIDENT BERLINER:

33 We're playing with the dollars. We're saying how to direct the dollars that the more limited  
34 test would allow. So I just don't think--

35  
36 COUNCILMEMBER ELRICH:

37 We'd like to have gone back to get maximum dollars from anything that's built there  
38 because it's really not taken advantage-- there's nothing there to take advantage of.



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1 COUNCIL VICE PRESIDENT BERLINER:

2 Understood. I just don't think it's relevant to this particular point.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 OK. Thank you, Councilmember Elrich. OK. So there's support for changing the language  
6 as proposed by Mr. Erenrich.

7  
8 GLENN ORLIN:

9 The other-- the other issue, of course, is the areas which you'd applied this to. You recall  
10 what happened here. The Planning Board had recommended that the area included  
11 everything within a half-mile of where there was 15-minute bus service. The PHED  
12 Committee had taken the Executive's recommendation to revise that slightly down to  
13 those areas within a half-mile within where there's 10-minute service. We raised the issue  
14 in the Council worksession that there still the vagaries of changes of bus routes, and what  
15 would that mean in terms of, in the middle of the year, changing the areas that within a  
16 half-mile-- that kind of service. Mr. Leventhal brought up a useful point, which was that  
17 perhaps we should-- the Council should just identify specific areas beyond the Metro  
18 Station Areas and Germantown Town Center which would meet these criteria. And you  
19 asked us to come back and provide some, and so we've provided you 7 locations, and  
20 they're located-- they're identified on the maps on pages 32-39-- Hillandale, Kensington  
21 Town Center, the Long Branch/Takoma Enterprise Zone, Montgomery Hills Parking Lot  
22 District, what's called the North Bethesda Road Code Urban Area-- essentially the area  
23 between the White Flint Metro Station Policy Area and the Twinbrook Metro Station Policy  
24 Area-- the Rock Spring Park, and the White Oak commercial center. And these are all  
25 subsets of that within 10-minute bus service area, and you can choose any or all of these,  
26 or none of them, but this-- you haven't had a chance to publicly make a decision, so this is  
27 a...

28  
29 COUNCIL PRESIDENT ANDREWS:

30 Thank you. Councilmember Floreen has a comment.

31  
32 COUNCILMEMBER FLOREEN:

33 Well, I have a question. Glenn, did you look at whether the Burtonsville area would fall  
34 within this criteria?

35  
36 GLENN ORLIN:

37 It would not.

38  
39 COUNCILMEMBER FLOREEN:



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1 It would not.

2  
3 GLENN ORLIN:

4 It would not. We stuck with-- recall the earlier worksession, where the other maps, which  
5 had what I termed "blobs" which had corridors.

6  
7 COUNCILMEMBER FLOREEN:

8 The technical term.

9  
10 GLENN ORLIN:

11 And these all fit within-- are subsets within those. Burtonsville was not within one of the  
12 blobs.

13  
14 COUNCILMEMBER FLOREEN:

15 But Burtonsville does not have adequate transit service to allow it to meet these criteria.  
16 OK.

17  
18 COUNCIL PRESIDENT ANDREWS:

19 OK. Thank you, Councilmember Floreen. There are maps in the packet that are from page  
20 32 through 39 that show what the additions would be. Councilmember Elrich has his light  
21 on. Councilmember Elrich.

22  
23 COUNCILMEMBER ELRICH:

24 I'll just say that I-- this level of analysis poses the same problem as any discussion of  
25 MARC. I mean, we-- do we have any analysis of what capacity is coming into these transit  
26 areas and where it's coming from, not just-- you know, you've got buses running on a  
27 certain headway, but what size buses? How many empty seats? Are they going through,  
28 for example, Hillandale on the way to someplace else and, you know, picking up  
29 passengers? Is there bidirectional service so, again, it would be served-- I mean, do we  
30 have any of that stuff?

31  
32 GLENN ORLIN:

33 No. This is strictly the commercial areas within the 10-minute-- 10-minute headway blobs.

34  
35 COUNCILMEMBER ELRICH:

36 I'll just say that, I mean, your ability to determine whether or not you can service an area  
37 depends on more than just 10-minute headways. I mean, you could be one bus on 10-  
38 minute headways, coming from one place, and it could not-- and large parts of the County  
39 could have no access to this area at all. So we're making a decision essentially about

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1 what you can do based on a 10-minute headway with no sense of, can we really move the  
2 number of people there that would be needed to move there to make something work?

3  
4 GLENN ORLIN:

5 That was-- that was the genesis of our recommendation initially, only to restrict this to  
6 Metro Station Policy Areas and Germantown Town Center. But this is a--

7  
8 COUNCILMEMBER ELRICH:

9 This is why I agree with your original recommendation. I mean, we-- if this is something  
10 we want to do, we ought to long-term look at how do you provide adequate transit  
11 capacity to these kind of centers and build them up appropriately. It's not that I don't think  
12 there's a way to do that, but simply saying that 10-minute headways gets us there-- I don't  
13 really think it gets us there.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 Thank you, Councilmember Elrich. Council Vice President Berliner.

17  
18 COUNCIL VICE PRESIDENT BERLINER:

19 First, a clarification. I'm looking on pages 36 and 37. Is there a difference between those 2  
20 pages?

21  
22 GLENN ORLIN:

23 Until you took your last vote, we didn't know where you were on the White Flint Policy  
24 Area boundaries, so--

25  
26 COUNCIL VICE PRESIDENT BERLINER:

27 Aha. Thank you. So which page-- Which page should I be looking at then?

28  
29 GLENN ORLIN:

30 You can ignore circle 37.

31  
32 COUNCIL VICE PRESIDENT BERLINER:

33 I can ignore 37. So 37 is gone, so it's-- 36 is relevant for White Flint.

34  
35 GLENN ORLIN:

36 Although if you eventually go back and change the Policy Area boundary, then we have to  
37 come back and revise it.

38  
39 COUNCIL VICE PRESIDENT BERLINER:





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1 OK. The motion before us had been that we would go back to staff's earlier  
2 recommendation. In the interest of trying to reach a compromise with respect to this, you  
3 have added these very specific areas. If my colleagues are uncomfortable with these very  
4 specific areas, then we can return to going back to just the Metro stations, but if my  
5 colleagues feel like this is-- I certainly think this is discrete. I get that my-- Councilmember  
6 Elrich, your concern with respect to the MARC station issue in Kensington. It seems as if  
7 we are free in this moment to eliminate one-- you know, you should feel free to say you're  
8 not comfortable with that particular-- your particular item. There are other people that may  
9 feel like Long Branch is a good idea. I'm not particularly concerned about the two in  
10 Bethesda. I do think those are areas that are defined by pretty high transit, so I'm OK with  
11 this, but I also feel like there was a rationale to going back to the original staff notion of  
12 just having it be in the Metro stations.

13  
14 GLENN ORLIN:

15 And Germantown Town Center.

16  
17 COUNCIL VICE PRESIDENT BERLINER:

18 And Germantown--yes.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 OK. All right. Thank you, Council Vice President Berliner. Councilmember Navarro.

22  
23 COUNCILMEMBER NAVARRO:

24 I just wanted to just add that I'm comfortable with the White Oak-- inclusion of the White  
25 Oak.

26  
27 COUNCIL PRESIDENT ANDREWS:

28 Thank you, Councilmember Navarro. Councilmember Leventhal.

29  
30 COUNCILMEMBER LEVENTHAL:

31 OK, well, I've just conferred with the mayor of Kensington, and it's his view that he would  
32 like Kensington to be included on this list, and so therefore I would recommend that we  
33 concur with the recommendation of staff that we have the Metro Station Policy Areas plus  
34 Hillandale, Kensington, White Oak, Rock Spring Park, Montgomery Hills,  
35 Takoma/Langley, and North Bethesda.

36  
37 COUNCILMEMBER KNAPP:

38 There we go.



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1 GLENN ORLIN:

2 And Germantown Town Center.

4 COUNCILMEMBER KNAPP:

5 And Germantown Town Center.

7 COUNCILMEMBER ELRICH:

8 Well, that was included initially, yes. And Germantown. And Germantown, also.

10 COUNCIL PRESIDENT ANDREWS:

11 OK. All right. Then that recommendation is accepted. And is there any other-- any other  
12 final business on that? OK. All right. So that--that--

14 GLENN ORLIN:

15 So all those were accepted. OK.

17 COUNCIL PRESIDENT ANDREWS:

18 That was left over. OK.

20 GLENN ORLIN:

21 The other issues-- two other issues in the addendum. One, just--in passing, Mr. Leventhal  
22 had requested information about the cost per house of development exactions, and Park  
23 and Planning has taken a cut at that. It's on circle one of the addendum. Obviously, this is--  
24 - this could be a matrix which is huge because there are all kinds of different categories  
25 that houses fall in, but they picked sort of generic categories, such as the size of  
26 development at Metro station and in a non-Metro station area and what the amounts  
27 would be, and you can look at circle one and see the results there. As far as the resolution  
28 itself--

30 COUNCIL PRESIDENT ANDREWS:

31 Yes. Councilmember Leventhal.

33 COUNCILMEMBER LEVENTHAL:

34 I appreciate Park and Planning staff putting that together at my request, and it is  
35 illustrative, and, you know, I understand the competing policy goals that are before us, as  
36 often we have competing policy goals before us. On the one hand, we have this principle  
37 that new development should pay for itself, whether that's a meaningful slogan or not, or  
38 whether we actually can measure the marginal impact of one housing unit, that's the  
39 principle. On the other hand, we do understand that we're adding substantially-- in the



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1 range of \$30,000, \$40,000 on average-- to the cost of every new housing unit. So the  
2 question that I still have-- this doesn't affect my vote on the Growth Policy. We're going to  
3 proceed today. But the question that I still have is, how does this compare to other  
4 jurisdictions in the region? What are the-- and again, I appreciate the Planning Board  
5 answering my nagging questions. I realize I'm making work for them, but I do think these  
6 are useful statistics to have, so that if you, you know, maybe just look at the COG region.  
7 What are-- what is the total of all exactions on a per-housing-unit basis in some of the  
8 other jurisdictions that are nearby? That would also be a useful fact to know.

9  
10 GLENN ORLIN:

11 We did that survey about 2 years ago. We can update it, but definitely the amounts here  
12 are higher than elsewhere in Maryland.

13  
14 COUNCILMEMBER KNAPP:

15 I see the Planning Board running to the table.

16  
17 ROLLIN STANLEY:

18 If I may-- Planning Director Rollin Stanley. There's some work being done in the private  
19 sector on that right now, and we've been waiting to see what results they've got that we  
20 might be able to use to update what we did 2 years ago.

21  
22 ROYCE HANSON:

23 2 years ago, we did try to do that. One of the difficulties we had was that in Virginia, where  
24 Fairfax County would be the most logical comparison for us, most of what we do either  
25 through a tax or an impact fee is done by proffer, so it's extremely difficult to get any kind  
26 of consistent data.

27  
28 COUNCILMEMBER LEVENTHAL:

29 What does that mean, Royce?

30  
31 ROYCE HANSON:

32 It means that when you come in for an application, with an application in Fairfax County or  
33 in Arlington County, you sit down with a--

34  
35 COUNCILMEMBER LEVENTHAL:

36 It's done on a project-by-project basis, rather than a Policy Area basis.

37  
38 ROYCE HANSON:



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1 It's done on project-by-project, and the single official with whom you deal-- usually not a  
2 public hearing-- says, what are you going to offer?

3  
4 COUNCILMEMBER KNAPP?????:  
5 Make a deal.

6  
7 COUNCILMEMBER LEVENTHAL:  
8 OK. Well, still, it would be worth doing to the extent we can do the analysis-- maybe the  
9 last 20 recent proffers, where do they come out on a per-unit basis? Just to get some  
10 comparison, just so we can understand where we rank vis-à-vis the other jurisdictions.

11  
12 ROYCE HANSON:  
13 We can update that for you.

14  
15 COUNCILMEMBER KNAPP:  
16 That would be good. Good question.

17  
18 GLENN ORLIN:  
19 The last item is the to-do list. The-- Every Growth Policy in the past has had a to-do list,  
20 and if you look on pages... I'm sorry. 26 through 28, you'll see the old to-do list, which is  
21 being excised. What's shown on 29 and 30 is the proposed to-do list from the Planning  
22 Board, and I admit we did not talk about this at all in PHED Committee or the full Council,  
23 and so one of the things you could do is, you could just excise this, as well, for now. You  
24 have 2 opportunities coming up that's going to have an impact, I think, on what this to-do  
25 list is. One is, of course, the Executive's exercise in developing PAMR with the Planning  
26 Board and others, and the other is the fact that you haven't decided yet what you're going  
27 to do with Bill 38-09 in terms of how soon you're going to be doing the next Growth Policy.  
28 Is it going to be fall of 2011 or fall of 2012? And that may make a difference, as well. So I  
29 guess our recommendation, just here at that table, is that we excise--delete-- thank you--  
30 pages 29 and 30, as well, and come back to it as soon as is appropriate.

31  
32 COUNCILMEMBER KNAPP:  
33 Yeah. Yeah. They may be worthy of discussion. We just haven't talked about them, and  
34 I'd hate to throw it in at the last minute, so...

35  
36 COUNCIL PRESIDENT ANDREWS:  
37 OK. I don't see any objection to that, so we'll do that. Anything else, Dr. Orlin? Mr. Faden.

38  
39 MICHAEL FADEN:

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1 Just a correction of the record. The agenda today says this is done in the District Council.  
2 It is not. It's done in your regular session.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 OK. Thank you for the correction. We are meeting in regular session, then, at the moment.

6  
7 COUNCILMEMBER ELRICH:

8 Little did we know.

9  
10 COUNCILMEMBER FLOREEN:

11 Whew!

12  
13 COUNCIL VICE PRESIDENT BERLINER:

14 I was nervous.

15  
16 COUNCILMEMBER KNAPP:

17 I feel-- I feel different.

18  
19 COUNCIL PRESIDENT ANDREWS:

20 I just didn't feel any different, either, but we have different hats here. OK. I don't see any  
21 other comments from the-- from our guests at the table, so we are ready now for-- for  
22 action. I see Council Vice President Berliner has his light on.

23  
24 COUNCIL VICE PRESIDENT BERLINER:

25 I just thought it appropriate, before we take this final vote on the Growth Policy, to reflect  
26 on the good work that I think this Council, this full Council, has done. I do think, with the  
27 greatest respect to our Planning Board, that I think we've made some significant  
28 improvements on that which had been presented to us. I think we kept faith with our-- our  
29 community that cares a lot about our schools. I think we have improved upon the traffic  
30 mitigation that is going to be required in areas that are facing too much congestion. I think  
31 we have moved forward with some smart growth initiatives, but that are more tailored to  
32 the areas that really are our smart growth areas. So on every aspect of this Growth Policy,  
33 I feel like we have kept the faith with our school community. I don't-- I think we have not  
34 prejudged where we're going in White Flint, which is certainly a significant concern to  
35 many people in my community. I feel like we've made targeted investments in our transit  
36 systems and focused on transit, which I think has got to be our priority going forward. So I  
37 really feel like this full Council has-- has done well by our people, and we should be proud  
38 of the work that we have done here.



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1 COUNCIL PRESIDENT ANDREWS:

2 Thank you, Council Vice President Berliner, and I don't see any other lights, so we are  
3 ready to vote on the Growth Policy for 2009-2011. All those in favor, please raise your  
4 hand. And that is unanimous. Thank you, everybody. Thank you, Chairman Knapp, and  
5 thank you to all the people at the table who worked on this over the last few months. All  
6 right. We're now going to go on to Item 6, which will be a worksession on the Locally  
7 Preferred Alternative for I-270 improvements and Corridor Cities Transitway Project  
8 Planning Study, and I'm going to turn to the chair of our Transportation and Environment  
9 and Infrastructure and Energy Committee-- it's all those things-- Councilmember Floreen  
10 for the committee's recommendations.

11  
12 COUNCILMEMBER FLOREEN:

13 Thank you very much, Mr. Council President. It's been some time since we have talked  
14 about this in any great specificity. I have to commend my colleagues, the Council  
15 President. A lot of really good questions have been asked in-- since we last met on this  
16 subject, and I have to express my deepest appreciation to the staff from the state of  
17 Maryland for their responsiveness. I think we've gotten a good number of pieces of  
18 information. We've had significant community engagement on-- on these issues, and I  
19 think it puts this Council in a better position to move forward in this regard. The committee  
20 did not meet on this subject, but we have informally caucused, and we do have a couple  
21 of recommendations for the-- the Council to consider. We are not unanimous on all of  
22 them, but let me tell my colleagues I-- based on the new information with respect to  
23 employment projections with respect to Gaithersburg West-- and, of course, that remains  
24 to be resolved at-- in front of his body when we do the Gaithersburg West plan-- Mr.  
25 Leventhal and I are supporting the light rail approach-- the Corridor Cities Transitway. Mr.  
26 Berliner, correct me if I'm wrong, is staying with the committee recommendation on the  
27 BRT. So we can discuss that in more detail. I know we've gotten some significant  
28 community engagement on this subject in the past 24 hours-- not just Mr. Leventhal, but I  
29 suspect all of us have heard a lot from the community. On the other side of the equation,  
30 the 270 issue, we're very much persuaded by the issues and questions that were  
31 advanced by the Council to the state and their responses, and our collective advice to the  
32 Council is to--to--we-- to recommend that this Council support something that's not  
33 actually technically before us but what we think would achieve this Council's objective of,  
34 A, enhancing transit along 270 and, B, reducing congestion. And so what we propose--  
35 and this is a unanimous recommendation from the committee members-- is the following  
36 language, and I have copies of this for everybody. Here. For the segment of I-270  
37 between Shady Grove and Frederick County, what we propose that the Council say is that  
38 the Council supports adding 2 barrier-separated managed lanes that would operate as  
39 high-occupancy toll lanes in peak direction of travel. That's a significant shift from where



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1 we were this summer. But overall, what we suggest that we say is that the plan must  
2 assure that the congestion on the regular-use lanes will generally-- generally will not fall  
3 below Level of Service D in within Montgomery in both directions in both peak periods.  
4 And we would go on to support the new grade-separated interchange at the proposed  
5 New Cut Road in Clarksburg, as well as direct access ramps to and from the HOT lanes  
6 at various locations on I-270. I think it's important that we send a message that we're not  
7 interested in paving over the County. What we are interested there, most significantly,  
8 though, is efficient and effective mobility services to both residents and travelers through  
9 the 270 corridor, and we think that these points will get us to the right solution. I know that  
10 there's additional work to be done, and we can hear from the state on these issues. I know  
11 Mr. Orlin has been in contact with state transportation folks for their reaction to this  
12 approach. But I think the best information at this time suggests that we can both address  
13 our-- our mobility issues through effective use of HOT lanes that can switch according to  
14 demand, as well as the overall objective that on the supporting lanes, we'll do our very  
15 best to keep congestion at the Level of Service D level. So we don't get into all the details  
16 of which lane goes where and so forth, but I think those objectives help form a solution  
17 that will satisfy all our needs into the short- and long-term future. So this is the language  
18 the committee has come to agreement on.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 OK. Thank you, Chair Floreen. So as I understand it, the committee is recommending, in  
22 terms of expansion of I-270, that there be 2 reversible lanes added from Shady Grove  
23 Road to Frederick County that would operate as high-occupancy toll lanes in the peak  
24 direction of travel-- south in the morning and north in the evening. The lanes would be free  
25 to car pools, buses, van pools, et cetera, so they would be a combination, really, of HOT  
26 and HOV-- congestion-priced, I take it, for the toll?

27  
28 COUNCILMEMBER FLOREEN:

29 Mm-hmm.

30  
31 COUNCIL PRESIDENT ANDREWS:

32 All right. And that the existing lanes would be-- the current lanes would continue as  
33 general use lanes, without a toll.

34  
35 COUNCILMEMBER FLOREEN:

36 That's right. That's right. And there, of course, are some additional-- there's additional  
37 work to be done, no doubt, with respect to how they would function exactly. We leave that  
38 to the good expertise of the state, but I think these would be-- the Level of Service  
39 objectives for 270, I think, are quite important. Mr. Orlin, in his packet from July, has



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1 charts that reflect the different Levels of Service under the various approaches. I think  
2 Councilmember Erlich--

3  
4 COUNCILMEMBER ELRICH:  
5 You're going to mispronounce my name?

6  
7 COUNCILMEMBER FLOREEN:  
8 Elrich in particular focused on that, and the real question is, what's the best-- best bang for  
9 the buck in terms of mobility? And this seemed to be a practical, pragmatic, and realistic  
10 solution to moving this forward.

11  
12 COUNCIL PRESIDENT ANDREWS:  
13 Right, and I appreciate the committee's recommendation. The chart that was on circle 48  
14 of the July 21 packet, which showed the projected levels of traffic flow, Level of Service  
15 flow, on I-270 in 2030 showed that there would be an acceptable Level of Service going  
16 north in the morning and south in the evening with current lanes, which was the motivation  
17 for the suggestion in the Council letter to the state in August that a 2-reversible-lane  
18 option could work and avoid the need to add 2 additional lanes. So rather than having 2  
19 lanes each way, having just 2 additional lanes that would be used south in the morning  
20 and north in the evening would address the projected traffic at an acceptable level and  
21 reduce the cost of the project certainly by a large amount-- presumably at least hundreds  
22 of millions of dollars-- by cutting the number of lanes that would be needed in half, from  
23 Shady Grove to Urbana, and would certainly reduce environmental and community  
24 impacts, as well. So the response we got from the state a couple of weeks ago was that  
25 the state recognized that it was a plausible option, and I understand they welcome it and  
26 are planning to include it as a part of their next phase in the study. And I see we have  
27 representatives from the state here, and I'll ask everybody at the table to introduce  
28 themselves for people who are watching and listening, and let's just go around across the  
29 table first, and then I'll ask our representatives from the state to comment on that  
30 particular item.

31  
32 GARY ERENRICH:  
33 Gary Erenrich, Montgomery County Department of Transportation.

34  
35 GLENN ORLIN:  
36 Glenn Orlin, County Council staff.

37  
38 RICK KIEGEL:  
39 Rick Kiegel, Maryland Transit.





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1  
2 JENNIFER WEEKS:

3 Jennifer Weeks, Parkins Brinckerhoff, consultant to Corridor Cities Transitway.

4  
5 ERNIE BAISDEN:

6 Ernie Baisden, Maryland Transit Administration.

7  
8 RUSSELL ANDERSON:

9 And Russell Anderson, State Highway Administration.

10  
11 COUNCIL PRESIDENT ANDREWS:

12 Good morning to you all. Thanks for being here again. Any comments?

13  
14 RUSSELL ANDERSON:

15 I ought to follow up on that one. Yes, that was the response. It's something that we could  
16 definitely take a look at as part of the next stage of the study. As you also note, originally  
17 the HOT lanes were not part of it, and that, too, is something that really all of the  
18 jurisdictions have requested that we take a look at, so it's not out of bounds. It is  
19 something that we could definitely study for its effectiveness. And there are some issues  
20 that we will have to tackle-- what happens at the end points, how could that potentially  
21 impact the bidirectional transit, and those sorts of things. So we'll-- we'll cover it all.

22  
23 COUNCIL PRESIDENT ANDREWS:

24 Very good. And I know that the state has commented that-- and I agree with their  
25 assessment-- that both additional road capacity and additional transit capacity is needed  
26 to meet the commuting needs of people in this corridor and that what is being  
27 recommended by the committee and by the state is a combination of road and transit  
28 capacity expansion to meet that need.

29  
30 RUSSELL ANDERSON:

31 Correct.

32  
33 COUNCIL PRESIDENT ANDREWS:

34 Yeah.

35  
36 RUSSELL ANDERSON:

37 That kind of grew out of the-- as the steady progressed, working with the Council of  
38 Governments, the 270/US 15 focus group that had, you know, several people from  
39 different areas, from Chambers of Commerce to transit advocates, really developed



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1 alternatives and no free-standing alternative that really solved the traf-- the mobility  
2 problem. We had to look at these combination alternatives.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 OK. Let's stay on the 270 recommendation for just a-- for this time, so I have couple... and  
6 then we'll go to the recommendation on the Corridor Cities Transitway that the committee  
7 has recommended. So we've got Councilmember Elrich and then Councilmember Knapp  
8 following.

9  
10 COUNCILMEMBER ELRICH:

11 I welcome this recommendation from the committee. I think it makes a lot of sense, and  
12 we'll ultimately get the capacity we need without spending more than we need to get it, so  
13 I think this is the right direction to go in. My outstanding concern in all this is, what  
14 happens south of Shady Grove, because if the purpose is to bring more people in-- and  
15 we know they're not-- that the destination, frankly, is not going to be just Shady Grove--  
16 that that segment of I-270 below Shady Grove is really bad. And my fear is, you know--  
17 and this, I think, would be an unintended consequence-- would be that if you use a Level  
18 of Service D and you manage to create an accordion effect. In other words, if you start  
19 traffic-- stacking traffic up above Shady Grove, that you in fact will run into Levels of  
20 Service which people don't consider desirable. You might then be prompted to say, well, if  
21 we added more lanes to Shady Grove above here, it would work just fine above here, but  
22 then-- I mean, not to Shady Grove, but to I-270-- but then you still have the problem south,  
23 and so you've got this funnel, and you've got to figure out how to move people through the  
24 rest of the funnel, both on the spur and going over to Northern Virginia. So, I think this is a  
25 great first step. I just thought it was kind of odd not to deal with the lower part of the funnel  
26 first and this second, rather than the thing which is feeding things into the funnel first and  
27 then the narrowest part of the funnel second. The order seemed odd.

28  
29 RUSSELL ANDERSON:

30 And kind of-- maybe going into the history of the project could probably explain that. This--  
31 the original limits of the study were from 121 up to Hayward Road. So it would have been  
32 the next segment that hadn't been expanded, the part that hadn't really been touched  
33 since the fifties. And then the limits kind of expanded southward and northward as we  
34 worked with the local jurisdictions and their priorities, so... We also have a concern with  
35 what's happening at the Wilson Bridge. We have a construction project that is going to be--  
36 - is ongoing in Virginia that we'll be finishing, you know, sooner rather than later, and we--  
37 right now, we're at the feasibility stage. We do have the West Side Mobility Study that  
38 we're looking at-- some strategies to prevent bottlenecks down there and ultimately  
39 something we could do in the short term, something that could be done with, you know,



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1 medium amount of expense, and then something really-- some long-term solutions that  
2 would have to evolve and the level of study that we have here and NEPA study.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 OK. Thank you, Councilmember Elrich. And I would also note that the reversible lane  
6 approach is used on I-95 in Northern Virginia, which has similar traffic flow that 270 has.  
7 Councilmember Knapp.

8  
9 COUNCILMEMBER KNAPP:

10 Thank you, Mr. President. I thank the committee for their recommendation. I think it gets  
11 us to a point to make sense. The question I have is, as you-- at least at this point, the  
12 Corridor Cities and 270 projects have been a bimodal study. By making this kind of a  
13 recommendation, and the fact that you're going to go back and take the next phase of  
14 study, at some point, these 2 projects divide. Does this prolong the time before which that  
15 can occur, or do we-- are we kind of getting to the point where we can break them apart  
16 and they can have their own lives?

17  
18 RUSSELL ANDERSON:

19 Once we get past the preferred alternative and can build a consensus among the local  
20 jurisdictions, the agencies, Federal Highway and FTA have advised us that we can split  
21 the projects at that point. Now, they won't be completely separate entities. We will still be  
22 coordinating any future studies between the transit and the highway, but just as far as  
23 proceeding as individual projects, once we get past preferred alternative, that can happen.

24  
25 COUNCILMEMBER KNAPP:

26 And so do-- does each have to have a preferred alternative?

27  
28 RUSSELL ANDERSON:

29 Yes. Yes.

30  
31 COUNCILMEMBER KNAPP:

32 So... so then this is going to take longer. By making a recommendation that's not  
33 necessarily here, that requires more study, it will take--

34  
35 RUSSELL ANDERSON:

36 No.

37  
38 COUNCILMEMBER KNAPP:

39 OK.

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1  
2 RUSSELL ANDERSON:

3 There-- and that's something that we're-- Right now, we're kind of-- we want to get the  
4 recommendation to our federal partners and get the guidance from them, but really, any  
5 preferred alternative that is typically selected goes through the next stage of study. We  
6 end up-- in some instance, we've had, like, a highway project that had alternative 14-B  
7 Modified, so-- by the time it works through all the permutations. So this is really par for the  
8 course. It's just--

9  
10 COUNCILMEMBER KNAPP:

11 OK. That's all-- that's all I wanted to check, because we've been kind of hamstrung on  
12 each side at different points in the process because they were connected to each other,  
13 so I just wanted to make sure that this recommendation doesn't further exacerbate that,  
14 and you're saying it doesn't. Irrespective of what we would pick, you would have to go to  
15 the next step, which would-- which would require some further analysis anyway.

16  
17 RUSSELL ANDERSON:

18 Right. Correct. And really, it would be, if we didn't make a recommendation on one and  
19 only wanted to make a recommendation on the other-- that's when we get into this  
20 problem with purpose and need, because the purpose and need for the project--

21  
22 COUNCILMEMBER KNAPP:

23 OK. So as long as we have 2 recommendations going forward, the timeframe is what you  
24 would have anticipated the timeframe to be, and then we can begin to separate them-- not  
25 completely, because it's the same corridor, but the projects can begin to move forward on  
26 their own separate fund tracks.

27  
28 RUSSELL ANDERSON:

29 Their own tracks. Correct.

30  
31 COUNCILMEMBER KNAPP:

32 OK. Thank you.

33  
34 COUNCIL PRESIDENT ANDREWS:

35 Thank you, Councilmember Knapp. Councilmember Elrich.

36  
37 COUNCILMEMBER ELRICH:

38 Mr. Knapp's question spurred another question-- 2 questions, actually. One is that I was  
39 driving north the other day. I noticed major amounts of work in an area that would like be

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1 the place where you would drop in 2 reversible lanes, and since you're going to be, it  
2 looks like, pouring concrete and doing stuff there, is there any value in, like, pausing a  
3 second and saying, "If we're going to go this direction, should we do this once, or do we  
4 do this and then we come back and spend money to undo it again?"

5  
6 **RUSSELL ANDERSON:**

7 The projects that are ongoing now are more the maintenance type projects, the ones that  
8 would need to be done anyway. If we were to increase-- that don't have additional  
9 impacts. Even with those projects, if we were to have additional impacts-- to, say, park  
10 land-- we would still need to go through the process of mitigating those impacts and--  
11 Whereas for a maintenance type of activity that's going on there now-- we have  
12 resurfacing, bridge redecking-- it falls under a different category. So we are-- we're trying  
13 to get as much space as we can to help in future stages, like to maintain traffic and shift it,  
14 but as far as, like, adding additional lanes at this point, really we need to finalize that-- that  
15 alternative.

16  
17 **COUNCILMEMBER ELRICH:**

18 When I looked, it looked like there was a long segment where there was actually  
19 significant work going on.

20  
21 **RUSSELL ANDERSON:**

22 It's median barrier replacement and resurfacing in that section, so, from a-- something that  
23 had to be done sooner rather than longer term.

24  
25 **RICK KIEGEL:**

26 But I might add, your point is relevant in that-- in that once we select a locally preferred  
27 alternative, it essentially identifies the goal in which all projects are to be built, based on a  
28 future template.

29  
30 **COUNCILMEMBER ELRICH:**

31 And I guess the other question is a variant on the-- the little advertising you've seen on the  
32 side of the buses about milk. And I'd ask you, got money? Where-- where does all this fit  
33 in the real world in terms of who's going to fund it and when?

34  
35 **RUSSELL ANDERSON:**

36 In the real world, in funding, it's really-- the 270 project is unlike the ICC in that that is a  
37 new roadway that would have to have functionality in order to keep moving forward. We  
38 foresee the I-270 improvements as several improvements. It could be 30 or 40 phases  
39 over the entire 30-mile corridor. For instance, city of Frederick has recommended that we



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1 replace the bridges over US 15 as one of the first breakout projects that would occur as  
2 part of this new study. As projects get prioritized down here in Montgomery County, it  
3 would be the same way, and they would have to be done as fundable chunks in using the  
4 money that we have available in a given consolidation-- CTP 6-year program. So it would  
5 need to be-- we program 6 years, so it would need to be prioritized on the local level, and  
6 then the funding would be identified for that segment. It wouldn't be, you know, the billions  
7 of dollars all at once.

8  
9 COUNCILMEMBER ELRICH:

10 That leads me to wonder when a functional-- even if it is 2-lane reversible-- would likely  
11 actually appear, because I see, you know, you'll do the bridges first, and that makes some  
12 sense, but when does this thing actually become a functional entity?

13  
14 RUSSELL ANDERSON:

15 That's something that we definitely have to-- once we get the preferred alternative ironed  
16 out, we need to come up with these sections of independent utility and price those  
17 segments out and really kind of get to the-- something that we could build that has a-- that  
18 is a usable segment. And we have some ideas right now, but really, until we finalize that  
19 alternative, tough to identify.

20  
21 COUNCILMEMBER ELRICH:

22 OK.

23  
24 COUNCIL PRESIDENT ANDREWS:

25 Thank you, Councilmember Elrich, and I would note that one of the very major difference  
26 between the recommendations regarding expanding 270 and the Intercounty Connector is  
27 that there would remain untolled lanes on the--on I-270. For the Intercounty Connector, all  
28 lanes are proposed for high to very high tolls, without exception, in terms of vehicles and  
29 lanes. So I-270, like the ICC, is a public road, and this ensures that there would remain  
30 untolled lanes on I-270.

31  
32 RUSSELL ANDERSON:

33 That's correct.

34  
35 COUNCIL PRESIDENT ANDREWS:

36 OK. All right. I don't see any other comments on the I-270 recommendation, and I thank  
37 the committee for their-- their work on it. I want to now turn to the Corridor Cities  
38 Transitway recommendation, where I will say I have a strong disagreement with the  
39 recommendation, but I want to bring out why that is that I think that bus rapid transit is by



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1 far the better alternative for the Corridor Cities Transitway. And I'm going to ask Dr. Orlin  
2 for his input on some of the information that he had researched. But I would note that the  
3 difference in cost is huge-- that the cost estimates for bus rapid transit range from 450  
4 million to 533 million. For the-- the current alignment is 450 million. The proposed  
5 alignment in the Life Sciences Center would be 533 million for bus rapid transit. For light  
6 rail, the current cost would be 778. So that's 450 versus 778 for the current alignment, and  
7 533 versus 999 million for the light rail alignment, realigned through the Sciences Center.  
8 Now, these numbers, I think, need to be described in a little different way than just \$328  
9 million difference and \$466 million difference. That's the range of the difference. The  
10 Corridor Cities Transitway, if I recall, is about 14 miles, so if you divide either of those  
11 numbers-- 328 million and 466 million-- by 14, you have a cost difference of 23-33 million  
12 dollars more per mile for light rail versus bus rapid transit. If you break it down further,  
13 every 53 yards on the current alignment would cost a million dollars more for light rail, and  
14 under the proposed realignment, every 77 yards of the Transitway what would cost a  
15 million dollars more for light rail compared to bus rapid transit. That is an enormous  
16 difference. And yet, the ridership is projected to be very close. The operating costs are  
17 essentially the same. And I want to ask Dr. Orlin for a comment about the ridership issue  
18 because we've heard some different information about how many riders there would be on  
19 each of the alignments. It is clear-- there's no question about the cost effectiveness, that  
20 it's \$7-9 per rider for bus rapid transit versus \$16-20 per rider for light rail to construct, and  
21 that has to have some impact on the chances of getting federal and/or state funding, given  
22 the cost difference. And I think it's crucial that the Corridor Cities Transitway be built as  
23 soon as possible, and I think it has a better chance of being built soon as bus rapid transit.  
24 But I recall that there has been an issue about how many riders would use each, and I  
25 want to ask Dr. Orlin and state officials for information about that number. And so I'll turn  
26 first to Dr. Orlin about what are the projected riders for each of the--for bus rapid transit  
27 versus light rail. And there has been some issue with the boarding description, and just  
28 describe the issue of transfers, as well, because I understand that one of the advantages  
29 of bus rapid transit is that people who are coming off of I-270 on an express bus or on our  
30 Ride On system could jump on the Corridor Cities Transitway without transferring, which  
31 would save them time. So Dr. Orlin and then anyone else on the panel who would like to  
32 comment.

33  
34 GLENN ORLIN:

35 Sure. Just want to point out first of all, again, that the state last week published its  
36 alternatives analysis relook-- not just of the 2 alignments through the Life Sciences  
37 Center-- the Master Plan alignment and the line that would go through the Belward  
38 property and the current Life Sciences Center, as well as the diversions through Crown  
39 Farm and Kentlands-- but they also took that opportunity to update the cost estimates and

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1 the ridership in general on all the options, and all that-- the key part of the information is in  
2 your packet today. The--and the key pages that I'm referring to are on circles 36 and 37.  
3 36, I'll admit, you'd have to take out your reading glasses or magnifying glass to read  
4 some of those numbers, but they're important.

5  
6 COUNCILMEMBER FLOREEN:  
7 Oh, that's great.

8  
9 COUNCIL PRESIDENT ANDREWS:  
10 You're going-- you're going to have to describe it, given the size of the print.

11  
12 COUNCIL PRESIDENT ANDREWS:  
13 Circle 36 in today's packet, I think.

14  
15 GLENN ORLIN:  
16 36 and 37.

17  
18 COUNCILMEMBER FLOREEN:  
19 At the microbe level.

20  
21 COUNCIL PRESIDENT ANDREWS:  
22 36 and 37. OK.

23  
24 COUNCILMEMBER LEVENTHAL:  
25 Those are about reversible lanes. Aren't we talking about bus versus rail now?

26  
27 GLENN ORLIN:  
28 We're talking-- it's agenda item number 6, circles 36 and 37.

29  
30 COUNCILMEMBER LEVENTHAL:  
31 Circles 36 and 37 relate to reversible lanes and access points to managed lanes and  
32 access to Maryland 109.

33  
34 COUNCIL PRESIDENT ANDREWS:  
35 No. I think you--

36  
37 GLENN ORLIN:  
38 You're looking-- must be a different packet.



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1 COUNCIL PRESIDENT ANDREWS:

2 Other packet.

4 COUNCILMEMBER LEVENTHAL:

5 Oh, the other packet. Oh, my.

7 COUNCILMEMBER KNAPP:

8 One is 6, and 9, and there's one that's just 6.

10 GLENN ORLIN:

11 This is today's packet. Sorry. Agenda item number 6.

13 COUNCIL PRESIDENT ANDREWS:

14 Yeah. It says agenda item number 6 at the top.

16 GLENN ORLIN:

17 Oh, they were both number 6, weren't they?

19 COUNCILMEMBER LEVENTHAL:

20 I'm sorry. I have agenda item number 6 and 9. That's not what we're working on?

22 GLENN ORLIN:

23 That's the July-- July packet.

25 COUNCILMEMBER ELRICH:

26 This say 6.

28 GLENN ORLIN:

29 This one just say 6. November 10. Sorry. There are 2 of them. Just in summary, what  
30 these options show are the results looking at the Master Plan alignment that does not go  
31 through Belward and does not make the diversions through Crown Farm and Kentlands,  
32 both for light rail and BRT, as well as the lines that go through. And what we find is this.  
33 Let's just, for the time being, look at the 2 alignments that-- the two modes that go  
34 through-- on the alignment that goes through the Life Sciences Center and Belward. For  
35 boardings, the midpoint of the range for boardings for bus rapid transit is 33,000 and for  
36 light rail is 38,000. So in other words, what it's saying is, the number of boarders-- people  
37 getting on the BRT or getting on the LRT.

39 COUNCILMEMBER LEVENTHAL:

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1 What column is that?

3 GLENN ORLIN:

4 This would be the second-to-last and last columns on circle 36. And look at the-- about the  
5 sixth line down, Mr. Leventhal, which is guideway boardings in thousands. You'll see a  
6 range for LRT of 32-42. That's 32,000-42,000. What the state does is, they forecast a  
7 particular number, and they put a range on it because the numbers are a bit soft at this  
8 stage. So the midpoint of that range is 38,000. So what they're saying is there would be  
9 between 34,000 and 42,000 riders, 38,000 being the midpoint. For BRT, the next column  
10 over, the range is between 29,000 and 37,000. The midpoint of the range is 33,000. So  
11 that's where I get the difference between 38 and 33.

13 RICK KIEGEL:

14 And, I'm sorry, to make sure you understand that the last 2 columns in the table that  
15 everyone is referring to are based on 3 alignment changes-- the Crown Farm alignment,  
16 the Kentlands alignment, and the Life Sciences.

18 GLENN ORLIN:

19 Right. So this is the new alternative alignment that they were asked to look at, and they're  
20 comparing it to other alignments that had been looked at earlier. The point I'm trying to  
21 make here is this. which is that boardings and ridership are 2 different things. You  
22 wouldn't think they are, but they are. For example, there are buses that will be running  
23 down from Frederick County that will, under the light rail option, pull into the COMSAT  
24 station. Folks will get off there and board the light rail and continue on. Under the BRT  
25 option, there will be the same number of buses coming down from Frederick County going  
26 to COMSAT, but those buses will then pick up passengers in Clarksburg and continue  
27 down. The people who are already on the bus are staying on the bus, so they're not  
28 counted as boarders under the BRT option. Same thing is true with any bus that-- there  
29 are other several other buses which are modeled on the BRT option which will come from  
30 surrounding neighborhoods, follow on local streets, come to the guideway, come to the  
31 CCT, and then continue on down. Those riders who are using the CCT and benefiting  
32 from it are not counted as BRT boarders, but if they were taking a bus to a light rail  
33 station, at the light rail station, then transferring it and getting on the LRT, they are  
34 counted as LRT boarders. Once you factor out that difference, really the ridership is about  
35 the same. So the actual ridership on the 2 lines are virtually the same. Boarders is a  
36 misleading number. User benefits-- they're also very, very close, but if you look at the  
37 numbers-- and they're actually larger on the bottom of circle 37, so you don't have to  
38 squint as much. Again, looking at the last 2-- in this case, the last 2 rows, both looking at  
39 what Rick was mentioning-- the alternative that looked at going through the Crown Farm



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1 with its diversion to LSC and the Kentlands-- you'll see that the user benefit hours for LRT  
2 ranged between 5,370,000 and 6,720,000. For BRT, it's actually about 1% higher-- 5.4  
3 million to 6.8 million. And what the means is that people who are going to be actually  
4 using the system will benefit slightly, marginally, infinitesimally-- 1%-- better under BRT  
5 than light rail.

6  
7 COUNCILMEMBER ELRICH:

8 Doesn't that change with your other assumption, though?  
9

10 GLENN ORLIN:

11 No, because this does include all riders.  
12

13 COUNCILMEMBER ELRICH:

14 OK.  
15

16 GLENN ORLIN:

17 So this does that.  
18

19 RICK KIEGEL:

20 Yeah. To help you understand a little bit better--I hope I can.  
21

22 GLENN ORLIN:

23 Please.  
24

25 RICK KIEGEL:

26 So, as Mr. Orlin was stating, that if you get on a trunk line service, whether it be light rail  
27 or bus rapid transit, at a CCT station, you are counted as a boarder. You're in the ridership  
28 number. If you are already on a vehicle and then utilize the CCT while staying on that  
29 vehicle-- you've not boarded at a CCT station, but in fact at your home front door-- you're  
30 not counted as a rider.  
31

32 GLENN ORLIN:

33 Boarder.  
34

35 RICK KIEGEL:

36 As a boarder. Thank you. However, in terms of user benefits, everyone who gains  
37 advantage from the CCT, whether you board it at a CCT station or if you're that Frederick  
38 rider that then transfers and gains benefit in travel times from the CCT, we receive that



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1 benefit, and it shows up in the users benefit. That's why you're seeing that BRT, you're  
2 seeing a higher user benefit but in fact a slightly lower ridership-- boardership.

3  
4 GLENN ORLIN:

5 The next point is new transit trips. This is the way that transit used to be looked at solely,  
6 which fortunately we've gotten away from, but it is still a factor that folks consider, which is  
7 how many people are getting out of their cars and using transit, as opposed to just using  
8 transit in one way and then getting better service in the other. And what you see here is  
9 that BRT has about 6% advantage over LRT. Pretty much the same, but a little better for  
10 BRT. And you have to go back to the squinty page, page-- circle 36--to see that. It's the  
11 next row below guideway boardings. You'll see that for LRT-- again, this is for the  
12 alignment that goes through the Life Sciences Center and Kentlands-- it's arranged  
13 between 11,200 to 14,000 new transit trips, but for BRT, it's between 11,900 and 14,900--  
14 about 6% difference.

15  
16 COUNCILMEMBER LEVENTHAL:

17 How do you account for that?

18  
19 GLENN ORLIN:

20 Same reason that Rick mentioned earlier. It's the through routing of folks being able to get  
21 on the bus in their neighborhood and get to a CCT and continue on without having a  
22 transfer. Transfers are killers.

23  
24 COUNCIL PRESIDENT ANDREWS:

25 All right. We've got Councilmember Knapp next. Then, Councilmember Leventhal, you're  
26 after Councilmember Knapp, and then Council Vice President Berliner. Thank you.  
27 Councilmember Knapp.

28  
29 COUNCILMEMBER KNAPP:

30 I just want to make a couple of observations. First, we've heard that the cost differential  
31 between one and the other is huge, and I suppose if you're relating it to each other, it  
32 appears to be a big number. If you appear-- if you compare it to virtually any other transit  
33 project out there, it's-- either is virtually half the cost of any other transit project that's in  
34 existence in the country, and probably either makes it the most competitively cost-  
35 effective projects in the country, because it just-- either way, it comes in under a billion  
36 dollars, and having sat through all of the transportation issues at the Transportation  
37 Planning Board for the last 7 years, I'm amazed at the cost of transportation projects. And  
38 so to say the cost difference between one versus the other is huge-- only to comparing it  
39 against itself, and so I think it's important to make sure that that is put out there. Sure,



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1 we'd love to see everything be more cheap, but at the end of the day, if you've got the  
2 federal government and the state trying to identify transit projects that can actually be  
3 funded and move forward, under virtually any scenario, given the increased ridership  
4 numbers because of what we're looking at with the realignment in the Master Plans, this  
5 becomes effectively the most doable transit project that's out there. So I think that's an  
6 important point to address. And I appreciate the scenarios that we look at that Dr. Orlin  
7 just walked us through, so effectively, but for the price piece, all of the other elements are  
8 the same. I mean, you're talking about nominal differences in either direction.

9  
10 GLENN ORLIN:

11 I was about to-- I was about to go to one which actually shows LRT being slightly better.

12  
13 COUNCILMEMBER KNAPP:

14 But we're talking about very small differences.

15  
16 GLENN ORLIN:

17 Very small differences. Right.

18  
19 COUNCILMEMBER KNAPP:

20 And so-- but the piece that I think is most significant, and a reason that many people have  
21 been advocating for this for the last--as many years as I've been doing public activities like  
22 this-- is the economic benefit. We look at the I-270 corridor. We've been having this  
23 discussion for the better part of the last year, looking at where is Montgomery County's  
24 future economic growth going to come from. We have a wedges and corridors plan. This  
25 is the corridor. And so from within that corridor, we want to maximize the economic benefit  
26 that will be derived from our decisions. That's the reason we made the decisions we did in  
27 Gaithersburg-- or in Germantown, it's the reason we're looking at the decisions we're  
28 confronting in Gaithersburg, it's why we're doing the things in White Flint, it's why  
29 Clarksburg was put on the trajectory that it was, and practically, we want to make sure  
30 that we maximize that. While I understand that people argue that BRT may be as  
31 economically advantageous as light rail, we don't know. There are 2 projects out there.  
32 They have different success in the country. But we do know that studies, economic  
33 studies, over the past however many years, look at a fixed guideway, like light rail, as  
34 maximizing your economic benefit and the economic value that you'll see in an area,  
35 because people then know that you're committed to the project, know you're going to then  
36 follow through, know that you're not going to change service dramatically because it's  
37 harder to do, and so once you've made the commitment, once you've made the  
38 investment, you're more likely to stay with it. And so I think it's important for us to make  
39 sure that we take the approaches that we can that will maximize that economic benefit for

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1 the future of our-- for our County, because that's the thing that's going to really get us the  
2 biggest bang for the buck. That's why people are going to move to Germantown. That's  
3 why people are going to align King farm, Crown Farm, along Gaithersburg West. And so I  
4 think that's a piece that doesn't really get captured here because we're still in the process  
5 of trying to determine that, and we want to maximize that value. And so I think if we look at  
6 that economic benefit piece, and knowing what past studies have shown, we need to take--  
7 - make the decision that is still very cost competitive to make sure that we maximize that,  
8 because that's what sets us on the right trajectory for the future. And so I think looking at  
9 that, the recommendation from the committee is what makes the most sense. You know,  
10 and it has been interesting to me, over the course of the last couple days, we've started to  
11 get emails from folks who have different perspectives, and one-- a couple that came in  
12 over the last few days were fascinating to me-- people who lived along the Gaithersburg  
13 West area who said, "We really want it to be buses because we don't ride buses anyway,  
14 and so we hope somebody else will, and we take cars." I mean, I-- and I think that's very  
15 interesting, to see kind of how people are thinking about it, because one of the challenges  
16 with transit is, it's the thing that everybody else takes, and we want to make it be  
17 something that people want to take, that people participate in. I understand that bus rapid  
18 transit may look different. We may get sexy new buses. It may be a different kind of an  
19 approach. That would be great, and that may work, but it might not. We don't know. We  
20 know that people will ride rail, and I think it's important, given that, that we make our  
21 investment be the project that will likely get the best outcomes and have the strongest  
22 return on our investment, which would be a light rail line, because that gets the economic  
23 piece, in addition to the other benefits that have been outlined here.

24  
25 COUNCIL PRESIDENT ANDREWS:

26 Thank you, Councilmember Knapp. I just want to briefly show a picture-- and I'll turn to  
27 Councilmember Leventhal in just a minute-- that shows how a-- I'm going to circle the light  
28 rail vehicle and a bus rapid transit vehicle, and the ones I have circled look identical. I  
29 think if you provide a vehicle that is fast and comfortable, I don't think people will care  
30 whether it's bus or light rail. And it is a different sort of experience than people have with  
31 what are most commonly used as buses. But there is documentation in the packet-- in the  
32 packet that says-- Items 6 and 9-- about land development benefits that are associated  
33 with bus rapid transit. It's on circle...

34  
35 GLENN ORLIN:  
36 100.

37  
38 COUNCIL PRESIDENT ANDREWS:



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1 100 on the packet. And so there are examples of development with bus rapid transit  
2 systems, and Councilmember Elrich has proposed a bus rapid transit system that would  
3 be Countywide, in effect, or at least a 100-mile system, that would use existing roads. I  
4 think we-- we need to recognize that the buses we're talking about that would be part of  
5 bus rapid transit are very much like the light rail vehicles, and most people would not  
6 notice the difference. Councilmember Leventhal, you're next.

7  
8 COUNCILMEMBER LEVENTHAL:

9 Yeah. Thanks. Well, this is a really good conversation, and I want to-- first of all, who is  
10 the lead project manager for the transit aspect of this at MTA? Mr.-- I know you introduced  
11 yourself.

12  
13 RICK KIEGEL:

14 I'm sorry. Rick Kiegel.

15  
16 COUNCILMEMBER ELRICH:

17 Kiegel.

18  
19 COUNCILMEMBER LEVENTHAL:

20 Kiegel. Thanks, Mr. Kiegel. I'm sorry. I just didn't catch it earlier.

21  
22 RICK KIEGEL:

23 That's quite all right.

24  
25 COUNCILMEMBER LEVENTHAL:

26 You know, as my colleagues know, I'm in frequent contact with Mike Madden regarding  
27 the Purple Line project, and there's a lot of moving parts to the 270 corridor study and the  
28 CCT, and I haven't-- I'm equally supportive and equally eager to see something on the  
29 ground in the near timeframe, but I haven't had quite as intimate knowledge, and I'm still  
30 finding it sort of hard to get my mind around. Mr. Kiegel, here's my first question. How  
31 much does our recommendation matter? That is, if the County Council says we want light  
32 rail, what do you think is the likelihood that the state may say, "Well, we've run the cost  
33 factors, we've run the ridership factors, and we're going to go with bus anyway"? Or would  
34 Montgomery County's recommendation for a project totally located within Montgomery  
35 County-- just the transit part. I understand that the I-270 piece goes up into Frederick  
36 County. Would it be-- would the County-- would our recommendation be dispositive,  
37 assuming the Council and the Executive get on the same page, which is my next  
38 question?



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1 RICK KIEGEL:

2 Well, first, let me point out that-- that I'm the project manager for the Corridor Cities  
3 Transitway. I deal with all the technical issues. The question that you're asking is more of  
4 a policy type question. That would be handled at the administrative level of the Maryland  
5 Transit Administration and with the secretary. So I can't say what influence that might  
6 have. I will tell you that we've gotten, obviously, recommendations from every jurisdiction  
7 within the County, and Frederick County, as well. All those have a factor, weigh into the  
8 secretary and governor's ultimate decision on the Locally Preferred Alternative. What  
9 needs to be noted, however, is that there are 3 New Starts projects within the state. I don't  
10 think there are other transit agencies around the country that have more than one other  
11 project, with the exception possibly of New York City and Denver. Thank you. That--  
12 Denver has quite an expansive program working right now. But to have 3 New Starts  
13 projects is a pretty aggressive endeavor on the state-- on the state's part. While-- while we  
14 think that all 3 projects are very viable, we have to realize that the Federal Transit  
15 Administration may not allow us the opportunity to build all 3 as we would wish to build  
16 them. They are-- they are major funders of these projects and will have a major say in  
17 which ones move forward. On the part of the state's side as it relates to funding, we have  
18 to recognize, too, that the state has certain funding limitations, as well, and if both  
19 Baltimore City, Baltimore County, Prince George's County, and Montgomery County are  
20 looking to build all 3 of these transit systems, there's going to have to be some give-and-  
21 take as it relates to being able to fund all of them in a timely manner.

22  
23 GLENN ORLIN:

24 And just a follow-up to that, in the EIS, the environmental documents for both the Purple  
25 Line and the CCT, and the Red Line as well, the state was very clear to say that the non-  
26 federal share-- for the non-federal share, they're going to be looking to the local  
27 government to help pay for part of it. Us.

28  
29 COUNCILMEMBER LEVENTHAL:

30 Now, the County Executive's view vis-à-vis light rail versus bus on Corridor Cities  
31 Transitway is what?

32  
33 GARY ERENRICH:

34 The County Executive supports-- strongly supports light rail, and the reasons are a lot of  
35 the reasons we've heard:  
36 the economic-- the economic benefits of light rail-- even if they're perceived, they are  
37 benefits over bus rapid transit; and very importantly, parity with the Purple Line. Same  
38 issues were discussed in the Purple Line, and the Purple Line-- in fact, this project comes





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1 in as a very cost-effective project, as well as the Purple Line does, and feel that this part  
2 of the County needs to have the same transportation improvements as the central part.

3  
4 COUNCILMEMBER LEVENTHAL:

5 Now, the disparity in ridership numbers on the Purple Line study between rail and bus  
6 were starker than the differences in ridership for the Corridor Cities Transitway, where, as  
7 Glenn pointed out, at the midpoint of these different ridership estimates between bus and  
8 rail for Corridor Cities Transitway, relatively close, whereas-- I don't have them in front of  
9 me, but I'm remembering it was about 6,000 riders per day difference rail versus bus on  
10 the Purple Line. So it wasn't-- it wasn't entirely the same set of data.

11  
12 GARY ERENRICH:

13 That's correct, but the margin and the models are basically saying the numbers are similar  
14 in both-- in both corridors. There are some, definitely, distinctions, but they're going to  
15 redo all of their models when they set the New Start application, and the numbers may  
16 change as part of that process, as well.

17  
18 COUNCILMEMBER LEVENTHAL:

19 OK. Mr. Kiegel, I understand the state is evaluating all options. Does a less expensive  
20 project make it more likely that the project exists sooner? Is it more likely that people are  
21 going to be able to ride this thing if it's bus than if it's rail in the nearer timeframe?

22  
23 RICK KIEGEL:

24 I quite frankly think yes. My personal opinion would be yes.

25  
26 COUNCILMEMBER LEVENTHAL:

27 And what take-- what would be the takeaway if the Council takes position A, being bus,  
28 and the Executive, as we've just heard, takes position B, being rail. What is the state--  
29 what message is received by the state?

30  
31 RICK KIEGEL:

32 Again, I would defer that to the Department of Transportation for evaluation and judgment.  
33 I-- again, our factors are related to the-- the results of our studies, and we really don't get  
34 into the policy and political aspect of those decisions.

35  
36 RUSSELL ANDERSON:

37 I might be able to chime in a little bit just from a-- from a team standpoint. When we meet  
38 with all the local jurisdictions and the agencies, we really need to try to build a consensus  
39 for a united message. So even on the highway side, where we have Alternative 3 and



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1 Alternative 7 potential-- modified, potentially being the 2 separate, we really need to try to  
2 find a common ground on our own before it goes up to that-- before we make that  
3 recommendation to the-- to the higher-ups.

4  
5 COUNCILMEMBER LEVENTHAL:

6 I feel we're really on the horns of a dilemma in many ways. Mr. Knapp has stated, and Mr.  
7 Erenrich has stated, that rail provides more certain benefits from the standpoint of long-  
8 term transit-oriented development potential, and we've all heard that-- that you because  
9 have a fixed guideway, investment will gravitate to locations they feel that there's greater  
10 certainty, they feel that it's less flexible, they feel that, you know, they know that "right here  
11 is the transit station now, and it's going to be for 100 years," and they're re more likely to  
12 concentrate jobs, housing, and amenities there. On the other hand, if you're particular--  
13 which I know is of great interest to the Council President-- if you're particularly looking at  
14 the science cluster in the vicinity of the Universities at Shady Grove and Shady Grove  
15 Hospital, we all agree that there won't be-- the Master Plan won't be realized, the  
16 development potential won't be realized, unless and until there is a programmed transit  
17 improvement there. And so the fear of some that I'm hearing in my email now that live  
18 along-- you know, in North Potomac and Travilah and Darnestown and that area-- Dufief  
19 Mill Road, that whole area-- that if you have light rail, you're just going to have a whole lot  
20 more development, so don't have light rail and have bus instead. There wouldn't be  
21 development unless you had a Transitway. The certainty-- if there is, based on what Mr.  
22 Kiegel said, somewhat more likelihood that a less expensive project will actually happen--  
23 since none of know whether this really will happen or not. You kind of go around in circles.  
24 That is, if you advocate for rail because you think part of the reason you advocate for rail  
25 is because the development potential is greater, but you don't get any development unless  
26 you have a Transitway, and you don't get a Transitway, perhaps-- again, this is all  
27 hypothetical-- if you insist on the highest-end option rather than the lower option, are we,  
28 you know, cutting off our nose to spite our face if we insist on the most expensive option,  
29 which, you know, generally I think is more desirable. I think more of my constituents are  
30 comfortable with the streetcar that they are a bus, no matter how nice the bus looks, no  
31 matter how well it works in Curitiba, Brazil-- which I'm hoping to visit in a few months-- no  
32 matter how it works in Bogotá, Colombia, or Brisbane, Australia, or any of these other  
33 locations. My constituents feel that streetcars are desirable and buses are undesirable,  
34 and I-- and Mr. Knapp is correct. Most of the feedback we're getting from the folks in the  
35 vicinity of Belward Farm is, "We will never use this. We don't want this. We drive. We think  
36 everybody drives. We don't believe anyone will ever use transit. That's why we don't like  
37 any of your proposals. We think you're just dumping cars on the road and therefore build  
38 something that people won't use, and we certainly won't use it." That's kind of-- that's an  
39 overstatement, but not much. So we're not hearing from people who say, "I love to ride the



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1 bus." I'm not hearing those constituents. They may be out there. I hear occasionally some  
2 members of Action Committee for Transit love to ride the bus. Former member of your  
3 staff, Councilmember Trachtenberg, didn't own a car, wouldn't drive a car, but he's  
4 unusual. Ha ha ha! So we're not-- we're not hearing constituents lining up saying, "Please  
5 give us a bus. We want a bus. We're going to ride the bus." We're not hearing that. So-- I  
6 mean, I guess all of this is to say this is not an easy choice, and it's not an easy choice  
7 from the standpoint of a serious policymaker, which I know all of my colleagues see  
8 ourselves as. If you actually want something on the ground, if you actually want to provide  
9 congestion relief, one might make the case that the less expensive option makes it more  
10 likely that you're going to get something-- much to the chagrin of those who don't want to  
11 see anything at Belward. Now let me ask a question about Belward. OK? Under which  
12 these of these alignments--again, I like-- as I know all my colleagues do, I want to answer  
13 my email-- which of these alignments traverse Belward and exit on Muddy Branch, which  
14 is the latest theme in the email thread-- "Don't do anything that traverses Belward and  
15 exits on Muddy Branch."

16  
17 RICK KIEGEL:

18 Right. All of the alignments that we studied related to the Life Sciences Center cross the  
19 Belward Farm.

20  
21 COUNCILMEMBER LEVENTHAL:

22 Yeah. So there's-- so just to be clear for the record, there is absolutely no choice we're  
23 going to make here that will satisfy the latest volley of emails from Mr. Andrews' and my  
24 constituents.

25  
26 RICK KIEGEL:

27 No, no, no. I would disagree with you because the Master Plan alignment--

28  
29 COUNCILMEMBER LEVENTHAL:

30 Yeah.

31  
32 JENNIFER WEEKS:

33 Well, the original Master Plan.

34  
35 RICK KIEGEL:

36 The original Master Plan alignment that did not go through Belward, did not access Life  
37 Sciences Center, did not go through the Belward Farm at all.

38  
39 COUNCILMEMBER LEVENTHAL:

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1 OK. But that's not under serious review anymore by Maryland Transit Administration.

2  
3 RICK KIEGEL:

4 It certainly is.

5  
6 COUNCILMEMBER LEVENTHAL:

7 That's just one option, then.

8  
9 GLENN ORLIN:

10 It-- it certainly is. If you get--

11  
12 COUNCILMEMBER LEVENTHAL:

13 It doesn't get you the ridership that makes the project competitive.

14  
15 GLENN ORLIN:

16 Right-- for light rail.

17  
18 RICK KIEGEL:

19 For light rail. Right, right. Under the Master Plan alignment-- actually, with our new  
20 numbers, both LRT and BRT are within the median threshold of cost effectiveness on the  
21 Master Plan alignment. Recognize that those numbers do fluctuate quite often based on  
22 land use changes that the County puts forward, updates in cost estimates, and so on. So  
23 we will see those numbers fluctuate again. The numbers we're looking at in the  
24 documentation in front of you will absolutely change, as they will on the Purple Line. So  
25 we need to keep in mind that while the Master Plan is competitive today, both with LRT  
26 and BRT, those will change. So we do still have the Master Plan on the table. The  
27 alternative alignments that we've presented the report to the Council--

28  
29 COUNCILMEMBER LEVENTHAL:

30 You're talking about the Master Plan. You're talking about the old Master Plan, the  
31 existing Master Plan.

32  
33 RICK KIEGEL:

34 I'm talking about the current Master Plan, the current Master Plan that-- that passes the  
35 DANAC site along Decoverly Drive, crosses Great Seneca Highway, and makes a turn  
36 and goes directly up Great Seneca Highway.

37  
38 COUNCILMEMBER LEVENTHAL:



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1 Which would in no way facilitate a new science cluster proposal? It just wouldn't serve it at  
2 all.

3  
4 RICK KIEGEL:

5 Not in-- not under the plan for-- Gaithersburg West Master Plan that required both that the  
6 CCT be funded and that it go through the Life Sciences Center.

7  
8 GLENN ORLIN:

9 All right. Can I ask something else about this? I've seen a lot of these emails as well. This  
10 is important to note. 20 million square feet can be accommodated, whether it's BRT or  
11 LRT. 20 million square feet of the Life Sciences Center-- what the Planning Board is  
12 recommending-- can be accommodated by BRT or LRT.

13  
14 COUNCIL PRESIDENT ANDREWS:

15 Actually, they're recommending 30 million-- 20 million commercial square feet, 10 million  
16 residential. Either-- you're saying either one can be accommodated by--

17  
18 GLENN ORLIN:

19 I'm talking about what the Planning Board is recommending in their plan. Either can be  
20 accommodated by BRT or LRT. Another point I'm wondering-- one of Mr. Leventhal's  
21 earlier points-- yes, the cost of the BRT is roughly half as much as the LRT for capital  
22 cost, but in fact, it can be a lot less than that if you're building it in segments. Not the  
23 whole-- I'm sorry. What I meant to say is this. BRT can be built in segments. LRT, you  
24 can't build it unless you get all the way out to Metropolitan Grove, because that's where  
25 the yard and shop is going to be. So you could build BRT incrementally. You could build a  
26 section from Shady Grove to Belward for-- I'm not sure. Half? Maybe two-thirds?

27  
28 RICK KIEGEL:

29 It's about 60%, 65%.

30  
31 GLENN ORLIN:

32 60%, 65% of that 500 million, so \$300 million or so. And you get to a point where even  
33 that level doesn't-- and Gary knows more about this than I do-- doesn't even have to  
34 compete with the Red Line of the Purple Line or any of these other alignments around the  
35 country. They don't fall under the New Starts program. They fall under a Small Starts  
36 program, which is much more likely to be funded.

37  
38 COUNCILMEMBER LEVENTHAL:



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1 OK. What do you think, Glenn, about the-- if we're trying, as my colleague at the end of  
2 the table-- I'm sorry, I didn't catch his name either-- but we're trying to achieve a  
3 consensus, we're trying to move ahead, we're trying to get all stakeholders to agree on a  
4 desired option, but the County Executive feels very strongly that light rail is the best  
5 option. What do you think is the downside of having the Executive proposing LRT and the  
6 Council proposing BRT? That's what you're advocating for. Doesn't that send a mixed  
7 message to the state?  
8

9 GLENN ORLIN:

10 Well, I'm advocating the Council take the position it wants to take, and if it's different than  
11 the Executive, just because the Executive--  
12

13 COUNCILMEMBER LEVENTHAL:

14 That's not an answer to my question. I know what you're advocating. But what about the  
15 issue of sending a mixed message to the state as to what we actually want when we've  
16 got all of these other proposals competing for the state's attention and funds?  
17

18 GLENN ORLIN:

19 Here's what I would say, is that the messages that I've heard from all sides on this is not  
20 as vehement as on the Purple Line. In other words, folks have preferences for BRT or  
21 preferences for BRT-- for LRT or BRT-- but they're not going to fall on their sword on  
22 either one.  
23

24 COUNCILMEMBER LEVENTHAL:

25 I agree with that.  
26

27 GLENN ORLIN:

28 So I think, given that kind of nuanced message, I think the state will just make the decision  
29 it feels is in the best interest of the state, knowing that neither side is-- neither of the losing  
30 sides will feel so badly, because the most important thing is they want a CCT. The Purple  
31 Line was a little bit different. There was very little public support for BRT.  
32

33 COUNCILMEMBER LEVENTHAL:

34 Again, I don't sense any public support for BRT. I only sense public opposition to  
35 development. I don't sense anyone saying, "Give me a bus." I just don't hear it. Maybe  
36 you've heard it. Nobody is saying, "We will ride the bus. Give us a bus."  
37

38 RICK KIEGEL:

39 Right. If I can--



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1  
2 COUNCILMEMBER LEVENTHAL:

3 They may ride the bus once it's up and running, and if it's groovy and exciting and gets  
4 them where they want to go, but as for today's perception, the public is not calling for a  
5 bus. I'm not hearing it.  
6

7 RICK KIEGEL:

8 If I can follow up, both on your thoughts and Mr. Knapp's thoughts with regard to  
9 development potential. First, let me point out that the CCT-- a BRT facility is going to be  
10 designed nearly identically to that of an LRT facility. The stations will be at the same level  
11 of amenities, so to speak. The buses will be multiple-door boardings. So the vehicles and  
12 the systems are going to operate in a very nearly identical fashion, especially keeping in  
13 mind that the Transitway is on an exclusive dedicated facility. The examples that you've  
14 presented here this morning-- in South America, for example, and Central America-- are  
15 running in mixed traffic in many cases. We've got a system for BRT and LRT that is  
16 dedicated. As the results show, we don't see very much difference in travel time, in  
17 boardings, or anything that would help to differentiate one over the other. And the point as  
18 it relates to development and developers' willingness to build, I think you're seeing that on  
19 the Gaithersburg West Master Plan alone-- that the developers are itching to go and build  
20 something, and I think they would be happy to have a transit system that would allow  
21 them to build out. Montgomery County is a very forward-thinking County, and the  
22 development is, I think, looking to come to the County, as opposed to building a  
23 Transitway to draw them in. I think that's a big difference.  
24

25 GARY ERENRICH:

26 I would like to--  
27

28 COUNCILMEMBER LEVENTHAL:

29 Mr. Kiegel, I-- maybe I'm perceiving you wrong, but you seem to be making the case for  
30 BRT.  
31

32 RICK KIEGEL:

33 Well, I'm making the case for the results that are showing up here, and it's our opinion at  
34 the Maryland Transit Administration that the results are nearly identical for both modes.  
35 Clearly, the difference here is the capital cost.  
36

37 COUNCILMEMBER LEVENTHAL:

38 OK, I have-- I'm sorry I'm taking up a lot of time, but I hope maybe my questions are  
39 clarifying issues for my colleagues as well. On the issue of the additional ridership that



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1 occurs because you have these feeder and collector systems out in the neighborhoods, if  
2 you have a brand-new modern bus-- the Council President actually didn't show them in  
3 such a way that his colleagues got the benefit-- he showed it to the camera, but the  
4 screens weren't working, so... If you have these big modern buses that are competitive  
5 with trains, they're going to be too long to navigate narrow suburban neighborhoods. So  
6 the idea that a single bus could be a collector in a neighborhood and serve the function  
7 that a Ride On bus serves and then also be this long, sleek, modern thing, you're not even  
8 going to be able to navigate corners that you would use-- for your dedicated guideway  
9 system. I don't see how you use the same bus so that it's a one-seat ride. It sounds  
10 magical. It's going to pick me up at my house and take me directly to work, but I don't see  
11 how one bus can perform both of those functions.

12  
13 RICK KIEGEL:

14 Yes. Well, I will tell you that-- the bus operations as presented in the illustrations that Mr.  
15 Andrews has provided-- they are very mobile and flexible vehicles. Keep in mind,  
16 however, that we would have 2 types of fleets, essentially:  
17 those that will run exclusively on the Transitway-- we call that trunk line service. That  
18 could be a long, articulating bus with multiple articulations that you could almost envision to look  
19 like the light rail vehicles. And then you'll have a different fleet that will run through the  
20 neighborhoods as feeder bus service and utilize the Transitway.

21  
22 COUNCILMEMBER LEVENTHAL:

23 And that will run on the dedicated guideway also.

24  
25 RICK KIEGEL:

26 Right.

27  
28 COUNCILMEMBER LEVENTHAL:

29 OK. Now, next question. So, last week when we were talking about Growth Policy and  
30 headways, Edgar reminded us that the bus depot that's scheduled to go up in Clarksburg  
31 is completely up in the air now because of Ten Mile Creek. Where are you going to put all  
32 these big, sleek, new, long, modern, futuristic buses like they have in Brisbane and  
33 Bogotá? Where are they going to go?

34  
35 RICK KIEGEL:

36 We have operations and maintenance facilities identified along the corridor. We have--

37  
38 COUNCILMEMBER LEVENTHAL:

39 Where are they?



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1  
2 RICK KIEGEL:

3 Our preferred one is near the Metropolitan Grove MARC station, just off Metropolitan  
4 Grove Road, where the current Montgomery County police impound lot sits.

5  
6 GARY ERENRICH:

7 The city of Gaithersburg has opposed that location for BRT. They have said that in their  
8 correspondence.

9  
10 COUNCILMEMBER LEVENTHAL:

11 How does that relate to Glenn's point that you can only have rail if you build to  
12 Metropolitan Grove because you have the storage yard at Metropolitan Grove, but you  
13 can build bus a shorter distance. You still have to store the buses somewhere. You still  
14 need a bus depot.

15  
16 GLENN ORLIN:

17 Right, but you can run the buses on street to the point where the Transitway starts. So, for  
18 example, if you build a piece of BRT that goes from, in the interim-- excuse me-- from  
19 Shady Grove to Belward, you can run the buses from the storage facility-- let's say it's at  
20 the impound lot-- down Great Seneca Highway to the point where the BRT would start.  
21 Then you run the BRT service back and forth, and at the end of the day, it just dead-  
22 heads back to the garage. With LRT, you can't dead-head a train on roads. It's got to be  
23 connected to the tracks themselves. That's why a light rail system-- you can't build it  
24 unless-- even the first segment unless there is a yard and shop on that segment of the  
25 line.

26  
27 COUNCILMEMBER LEVENTHAL:

28 So city is Gaithersburg-- I know it's in the packet-- they'd prefer light rail? Is that correct?

29  
30 GLENN ORLIN:

31 Yes.

32  
33 GARY ERENRICH:

34 And they oppose-- I believe they oppose the BRT storage maintenance area on that site.

35  
36 COUNCILMEMBER LEVENTHAL:

37 If it's bus.

38  
39 GARY ERENRICH:

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1 If it's bus.

2  
3 COUNCIL PRESIDENT ANDREWS:

4 They didn't want a storage area in either case on that site.

5  
6 GARY ERENRICH:

7 Well, but they were-- well...We were under the impression that LRT would be acceptable,  
8 but obviously--

9  
10 COUNCILMEMBER LEVENTHAL:

11 Well, how does that-- I mean, are they just being stubborn? Is there some policy reason to  
12 favor storing trolleys as opposed to storing buses, or do they just like trolleys better than  
13 buses?

14  
15 GARY ERENRICH:

16 You'll have to ask them. I don't know.

17  
18 COUNCILMEMBER LEVENTHAL:

19 And is it their land?

20  
21 GARY ERENRICH:

22 It's on County-- most of the land is county land, where we have our impound lot.

23  
24 COUNCILMEMBER LEVENTHAL:

25 Right. So, honestly, not 100% of people are going to be satisfied. I mean, it may be that  
26 the city of Gaithersburg's wishes may or may not be realized. OK. All right. I'll pause for  
27 now. Thanks. This was very helpful.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 Thank you, Councilmember Leventhal. I just want to make a couple comments. Then I'll  
31 turn to Council Vice President Berliner, and that is, one, I'd note that the Purple Line,  
32 given the ridership estimates, had to be light rail because the ridership was larger than  
33 bus rapid transit could handle on that route.

34  
35 GLENN ORLIN:

36 That's right.

37  
38 COUNCIL PRESIDENT ANDREWS:



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1 So-- and I was pleased to vote for light rail for the Purple Line because it was the solution  
2 for the Purple Line, and it turned out to be the only solution that would be able to carry that  
3 amount of riders. I'm very--I'm-- I have to say, I don't appreciate the disparaging attitude  
4 that I'm hearing from the Executive branch towards bus rapid transit as a general mode  
5 and the effort to sort of pit one part of the County against the other. I know the Executive  
6 branch is supporting a \$500,000 appropriation that the Council approved to study bus  
7 rapid transit and a 100-mile system for the County, and I think that my advice to the  
8 Executive branch would be to drop that disparaging attitude toward bus rapid transit when  
9 it's convenient and to support it when it's behind it. So I would note that. And I would also  
10 point out that the cost difference, again, is huge. The cost of light rail to Metropolitan  
11 Grove is the same cost as building bus rapid transit all the way to Clarksburg. That's the  
12 difference that you get for your dollar in these 2 systems, and as was pointed out, almost  
13 all the other aspects of it are a wash in terms of numbers of riders, operational costs,  
14 although it's clear that bus rapid transit has additional flexibility in being able to be built  
15 more incrementally and also to have local buses jump on the system and increase their--  
16 improve their travel times. And I would note the Sierra Club has come out in support of  
17 bus rapid transit because of a number of reasons. One is, I think they want to ensure that  
18 there's money left over for some other transit projects, as well, which highlights the  
19 opportunity cost of going with light rail on this particular route versus bus rapid transit.  
20 Council Vice President Berliner is next, then Councilmember Elrich, and then back to  
21 Councilmember Knapp, and then, I think, Councilmember Trachtenberg.

22  
23 COUNCIL VICE PRESIDENT BERLINER:

24 Well, I want to commend the Council President for having this be a worksession because I  
25 think we've all benefited from the conversation we've had today. I wanted to remind my  
26 colleagues-- I appreciate that part of what we've heard today-- really, it's very important to  
27 understand the context in which we are being asked to make a recommendation, and that  
28 is a context in which there are going to be 3 New Start proposals from the state of  
29 Maryland. And as Councilmember Leventhal, I think rightly, pointed out, we need to  
30 maximize our opportunities for winning. It doesn't do us any good to come forward with  
31 proposals that simply are too big for any administration to embrace. So I think that this is  
32 important to understand that the state is basically telling us, if you want mass transit in this  
33 corridor, and you want it soon, you should be going for bus rapid transit-- that the  
34 investments are the same, the fixed guideways are the same, if you will, the stations look  
35 the same, the vehicles, for the most part, look the same, and therefore, from everything  
36 we are told, the economic opportunities ought to be the same, as well, and we're not  
37 hearing different from our development community in the context of Gaithersburg. At least,  
38 I haven't heard it from the people that have been knocking on my door. I know that there  
39 are people here who believe strongly in light rail. The issue with respect to Gaithersburg,



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1 from my perspective, is, the only way it comes into the equation is that in order to have a  
2 ridership sufficient for light rail, we may be inclined to-- we may need to have more density  
3 in Gaithersburg than we otherwise might want to have. The Council President described  
4 this as the tail wagging the dog-- that we ought to make our decision with respect to the  
5 density that we want in Gaithersburg first and then decide which transit option serves that  
6 the best. The notion that we should have parity because we adopted the Purple Line--  
7 adopted light rail for the Purple Line, I, too, find to be offensive. We adopted light rail for  
8 the Purple Line because it was the right option, period. I am convinced it's not the right  
9 option for this corridor, and I would go back to what I thought was among the most  
10 compelling testimony that we had--and, Dr. Hanson, if you'd care to join us at the-- join at  
11 the table with respect to this-- because when we had the committee session with respect  
12 to this, I posed the following question to Dr. Hanson. I said, Dr. Hanson, assume for  
13 purposes of this conversation that the costs were equal, that it would cost as much to  
14 build bus rapid transit as light rail. Which of these options do you think serves us better?  
15 And my memory is that you basically said to us bus rapid transit is the better option,  
16 period, for this corridor. Dr. Hanson?

17  
18 ROYCE HANSON:

19 You may remember that better than I do, but I'll try.

20  
21 COUNCIL VICE PRESIDENT BERLINER:

22 I could be exaggerating it, also. I don't know, but--

23  
24 ROYCE HANSON:

25 But I think, you know, realistically, the costs are not equal.

26  
27 COUNCIL VICE PRESIDENT BERLINER:

28 Understood.

29  
30 ROYCE HANSON:

31 The argument that-- or the view that the Planning Board took, and I think is-- I believe is  
32 correct, is that bus rapid transit is clearly a better alternative in this area than light rail, and  
33 it is a better alternative for several reasons. One is, and everybody has talked about this  
34 previously, it is more flexible. It is more flexible as far as the construction schedule is  
35 concerned-- the ability to build in segments rather than all at once-- and it is more flexible  
36 in terms of operation because-- and I think I mentioned this when we had the worksession  
37 on this with the committee-- that one of the biggest problems in mass transportation is the  
38 mode change, and what bus rapid transit provides is an opportunity for fewer necessary



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1 changes from one mode of transportation to another. So you don't have all of the  
2 transfers--

3  
4 COUNCIL VICE PRESIDENT BERLINER:  
5 Right. You're referring to transfers.

6  
7 ROYCE HANSON:

8 You don't have the transfers at stations-- or as many-- because you're able to board a  
9 feeder bus and then have it move on to the guideway. As far as ridership is concerned,  
10 they're comparable-- and particularly when you eliminate the transfer, as Mr. Orlin said  
11 earlier. From a cost point of view, the cost is lower for bus transit, which avoids the  
12 question of "if they were equal." The other aspects apply even if the costs were equal. The  
13 costs are lower, and the-- from an economic point of view, you do have a fixed guideway,  
14 you do have stations that are designed essentially the same as rail stations would be  
15 designed, and we are setting, through the Master Plans, the development potential that  
16 exists around the stations, both in Germantown and in West Gaithersburg. The economic  
17 development potential is essentially the same, and in fact-- whether you have one or the  
18 other. The densities are established. The uses are established. From a timing point of  
19 view, you're in a much better position, it seems to me, with bus rapid transit than with light  
20 rail in this area, for the reasons that have already been discussed. So it-- it seems to me  
21 that in this corridor, given the densities that are planned for the corridor, given its flexibility,  
22 given the cost advantages, that it's just a-- from a policy point of view, a better choice.

23  
24 COUNCIL VICE PRESIDENT BERLINER:  
25 Thank you, Mr. Chairman.

26  
27 COUNCIL PRESIDENT ANDREWS:

28 Thank you, Council Vice President. Councilmember Elrich, then Councilmember Knapp,  
29 then Councilmember Trachtenberg.

30  
31 COUNCILMEMBER ELRICH:

32 I think a lot of what I would have said, I think, has been said, but I want to emphasize a  
33 couple of points. One is the flexibility of vehicles, and the fact that you can actually serve  
34 neighborhoods with one type of vehicle and you can serve the trunk, the main line, with a  
35 different type of vehicle, and it's something that's done in other places, and it gives you a  
36 flexibility you'll never get with rail. I mean, the ability to pull neighborhoods off of the I-270  
37 corridor onto the CCT with a smaller bus is actually a very good thing. I've had-- you  
38 know, we're talking about what people in the community have to say. I have met endlessly  
39 with developers around the project up in West Gaithersburg, and they talk about CCT.



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1 They're pretty agnostic in their discussions about which form it takes. They want to be  
2 there for a reason, and it's not because it's a bus or a train. They want to be there for the  
3 reason that it's transportation, to the extent they need the transportation to serve them.  
4 And I'd also remind the Council that if you want to answer the question about whether  
5 people are willing to invest around BRT, we don't have to look any farther than the debate  
6 that's going on about White Flint, because last I checked, that was supposed to be the  
7 goldmine for Montgomery County. So maybe, you know, maybe that's the economic  
8 engine, maybe Gaithersburg is the economic engine, maybe one is one, the other is two.  
9 It doesn't really matter, but the fact is that the developers up there are talking about  
10 making an enormous investment and reconfiguring the pike based around BRT. No one is  
11 sitting there saying, you know, we're not going to do this unless you bring a rail line. I've  
12 talked with a large number of neighborhoods. I guess I met with the Gaithersburg Council,  
13 I've met with the Montgomery Village Council, I've met with pretty much every one of the  
14 Executive's citizens advisory committees and other citizens groups, I've met with the  
15 chamber, and when you discuss BRT, what people will tell you is, they'll discuss the  
16 buses. They'll tell you what they don't want, and I think everybody knows what they don't  
17 want. They don't want what was the traditional DC WMATA bus, and they don't want the  
18 traditional Ride On bus, but if it's fast and if the ride is smooth and it gets you, you know,  
19 in a reasonable amount of time from where you start to where you end up with, I have not  
20 been to a meeting yet where people have said, "We're not interested in mass transit  
21 unless it's on a rail line." In fact, people are interested in mass transit, and they will use  
22 mass transit if it's provided. I think it's hard to justify-- this is not the debate in Silver Spring  
23 over the Purple Line, where, while the ridership of the BRT and the LRT roughly were  
24 equal, the argument was the expandability of the LRT, should you go beyond 62,000 trips,  
25 was greater than the expandability of the bus rapid transit. You're not anywhere close to  
26 numbers approaching the limits of either BRT or LRT in Gaithersburg West. So there is no  
27 argument that you need to do light rail because it'll extend you to a higher level of usage  
28 should you get there. This thing, you're well within the limits of what a bus rapid transit  
29 system can provide. And so I think it's hard to justify the extra expenditure of money when  
30 you don't get gains in time, and I think the argument about investment is also--is just  
31 wrong. I mean, using America as a model for BRT is very problematic because there are  
32 almost no what they call "true" BRT lines in the United States. I mean, what's been  
33 passed off as BRT in this country is primarily buses with queue jumpers and light  
34 extenders, and most systems have been very minimal. The system that Flanagan  
35 proposed originally for the alternative to the Purple Line-- which isn't worth anything, and  
36 is worth less when you get into a highly congested environment-- but if you go look around  
37 the world, not just South America, but you go to Canada or you go to Europe and you see  
38 bus rapid transit lines built very successfully and tons of investment following the bus  
39 rapid transit lines. As long as it's fixed and it's permanent, we're no more going to move a



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1 bus off a bus rapid transit line than you're going to take a rail off a rail line if you put it in a  
2 fixed guideway. Those would be the last vehicles you would cut. We might well put in a  
3 light rail system, we might decimate our bus system in a bad year, but the light rail is  
4 going to run, and the same thing with a BRT. Once you put that BRT in and it runs in its  
5 own separate guideway, you'd be out of your mind to disable the most efficient part of  
6 your bus system that moves the people the quickest. That would be the piece that you  
7 would salvage, just like you'd salvage a light rail line. So I-- I just can't find the reason to  
8 go to this extra expenditure, and I think it's unfortunate that much of the discussion has  
9 been focused around this mythology that nobody will invest around a bus rapid transit  
10 system, and then point to systems in this country which are light-years away from what is  
11 being proposed by the state. And I just think that, you know, we've got other projects to  
12 do. It would be nice, particularly if the state is looking to the County for money, that we  
13 could put that money and the state's money to looking at lines up Georgia Avenue, to  
14 looking at lines up Route 29, and looking at the east-west process, and every dollar we  
15 pour in here unnecessarily is money that's not going to be available for other projects. So  
16 that's where I am on this at this point.

17  
18 ROYCE HANSON:

19 Mr. President, just one other point that occurred to me listening to this discussion, with  
20 regard to economic development. The biggest barrier to economic development along a  
21 transit line is not having a transit line, and not having it in a timely fashion. So getting the  
22 CCT built and in operation is really critical to economic development, and one thing  
23 Council should consider is, what's the greater likelihood of getting the CCT built and in  
24 operation soon?

25  
26 COUNCIL PRESIDENT ANDREWS:

27 Thank you, Chairman Hanson. We're now going to go to Councilmember Knapp, then  
28 Councilmember Trachtenberg, and then Councilmember Floreen.

29  
30 COUNCILMEMBER KNAPP:

31 Well, it's interesting to me, because I remember 8 years ago, when I was running for office  
32 and we were trying to talk about the Corridor Cities Transitway and get people to pay  
33 attention, the biggest issue that people identified was the fact that there was no  
34 controversy. We finally get down to the final vote, and thanks to a variety of reasons, we  
35 now finally have our controversy. I suppose that's great. You know, it's always interesting,  
36 because people like to make the arguments that suit their purposes at the time. I think,  
37 practically, we wouldn't be having the White Flint discussion that we are if there wasn't  
38 already a Metrorail there. So, I appreciate the fact that to try and supplement that, we're  
39 talking about bus. The reality is that the rail is-- already exists, and so that's why we're

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1 having that conversation. I very much appreciate the remarks that Mr. Leventhal talked  
2 about as it relates to, I haven't had a lot of conversations with folks who want to get on a  
3 bus, no matter what you want to call it, whether it's a pretty bus or a not-pretty bus, and  
4 the interesting thing is, if we're going to have feeder buses, they're going to be buses, that  
5 look probably a lot like the buses we have today. That's just the reality, and so if they don't  
6 get on them in their neighborhoods now, they're probably not going to do it later. We can  
7 think that they might, but I don't know what's going to change that motivation. And I think  
8 that it's interesting that all of a sudden we're going to have miraculous sums of money that  
9 may supplement this to come up with lots of other networks that are now going to feed  
10 into the Corridor Cities Transitway as a bus line. We've been struggling with that. We don't  
11 have a bus depot right now. Edgar was here just last week saying we can't have any more  
12 buses because we don't have any place to put them. So even if we come up with a place  
13 to park the Corridor Cities Transitway buses, if that were the direction to go, we still don't  
14 have a place to put all of the buses that are going to now miraculously feed people into  
15 this system. So I appreciate the fact that all of these other issues seemed to go away  
16 somehow, but I'm not sure how they're going to. The Council President talked about the  
17 economic benefits discussion in the packet, and I've read that report before, as well, and it  
18 says that relative to not having anything, yes, if you have a BRT, economic benefits will  
19 increase, but it doesn't say relative to a light rail system will they increase. It says relative  
20 to not having transit. And so, right, they do. If it's over not having any transit, BRT will get  
21 you more. But I think it's important that no one has yet to draw a distinction-- at least, I've  
22 asked for this for the last year-- that says BRT versus light rail, what gets you more  
23 economic value? That hasn't shown up anyplace yet, and I keep asking for it. If the  
24 experts who are out there have it, I'd love to see it, because that is really the driving-- the  
25 driving motivation for me. And I appreciate the notion that has been raised as it relates to  
26 the economic development potential exists--sure. We will have provided the zoning. we'll  
27 have put the pieces in the place, but if you don't actually provide the resources that allow  
28 that full potential to be realized, you still just have potential on the ground. And I think  
29 that's what the light rail gets us. And, you know, and it's interesting, because I'll be honest--  
30 - I wasn't quite sure where the pieces came from, and now I'm a little more understanding,  
31 given some of the comments that have been raised today, that this, in some respects, is  
32 much more about the Gaithersburg West Master Plan because it allows for there to be this  
33 different alignment, and BRT only remains competitive-- BRT is the only thing that's  
34 competitive if you go with the other alignment. Well, no, if you go with-- if you go with the  
35 original Master Plan alignment.

36  
37 RICK KIEGEL:

38 At the state, we did the analysis from the EIS, and they're both competitive now.





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1 COUNCILMEMBER KNAPP:

2 So even with that?

4 RICK KIEGEL:

5 Both alignments, both modes.

7 COUNCILMEMBER KNAPP:

8 OK. All right. Well, that's good to know. Then actually that part goes away, so we can  
9 have light rail for either, which I guess gets to one of the points that Mr. Leventhal had  
10 raised, which is where some of the concerns had come from within the community. And  
11 then the other piece-- I appreciate the notion of building it in segments, and I think that  
12 that-- and there's a part of that, I think, that I find appealing, although one of the real  
13 concerns that I have with that is, some of the folks who will be most served by having a  
14 Corridor Cities Transitway actually live at the end of the alignment. We have an entire  
15 community of Clarksburg that was predicated on there being transit-oriented development  
16 because there would be transit, and if the whole premise is that we're going to start doing  
17 little segments and someday we may actually get to Clarksburg and to get to  
18 Germantown, you're going to have about 200,000 people who lived in communities  
19 expecting to be served by transit that might someday, but I don't think that that really  
20 works. And so I think that if we're going to-- given the cost effectiveness of these  
21 proposals and given the cost of the project-- and I appreciated the comments of the  
22 Planning Board chair-- but this is still the cheapest transit project out there, whether you  
23 go the higher end or the lower end. And so this notion of, we're going to save the money  
24 and use it for other projects is an argument that was made about the ICC, too. First of all,  
25 that assumes you're going to actually see the savings, it assumes there's this big pot of  
26 money out there someplace, and it assumes that somehow people are going to say,  
27 "Wow, because Montgomery County made this choice, we're going to give them the  
28 remainder of that money, and they can use it on all their other projects." If I've looked at  
29 funding from the state of Maryland over the course of the last 6 or 7 years, in virtually any  
30 area, I haven't seen those pieces roll in that direction because those decisions have been  
31 made. In fact, the more money we spend, generally the more money we get to spend  
32 locally. And so I don't necessarily agree that this notion of, if we save a couple of hundred  
33 million dollars here, that will allow us to do other things someplace else, because that  
34 doesn't correlate to the other, and it's somewhat of a false argument to put out there. So I  
35 think it's important for us to understand that. I think we need to put the best long-term  
36 project on the ground that allows us to maximize our economic value-- because it's not  
37 White Flint is the economic engine or Germantown or Gaithersburg West. Our I-270  
38 corridor is the economic engine, and that's where all of the density goes into, is into that  
39 corridor to make that engine grow, and we need to make sure that that economic engine

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1 is viable for many, many years to come and make sure we put the right foundation and  
2 create the right infrastructure to make that occur. And I think by putting light rail there, that  
3 gives us the best shot to be as successful as we possibly can.

4  
5 GLENN ORLIN:

6 Mr. President, could I go back to a point that was made a little bit earlier? I just want to  
7 clarify this.

8  
9 COUNCIL PRESIDENT ANDREWS:

10 All right.

11  
12 GLENN ORLIN:

13 In terms of the Gaithersburg West plan and the Master Plan alignment, whether or not it  
14 meets the federal criteria with-- under the current cost effectiveness. Go look on circle 37  
15 of today's packet, if you would. Circle 37. First of all, Table 4 shows the--and you've seen  
16 this, I think, before-- the ranges for cost-effectiveness thresholds. And the important thing  
17 to know here is that unless you're medium or better, you're not competing. So under the  
18 current rules, you have to do better than \$24.49 per rider to-- to be competitive. The  
19 Master Plan alignment for light rail is Alternative 6A in Table 5, which is at the bottom of  
20 the page. And you see for 6A-- this is, again, circle 37. 6A, you'll see the cost-  
21 effectiveness range is between \$24 and \$30. The midpoint is \$27, which is outside-- it's  
22 not good enough. Now, if, at the most optimistic within the range, it is, so I would  
23 characterize the light rail, on the current Master Plan alignment, probably is not.

24  
25 GARY ERENRICH:

26 That's not what the state is telling the County. They redid their analysis, and they've  
27 indicated that they can say that it is within the realm of being in the medium range.

28  
29 RICK KIEGEL:

30 That's right. When you look at the low end, which is where the true number comes from,  
31 we develop a range that is based on a 20% adjustment or a give-and-take, so to speak, of  
32 that. So we recognize that the 24 may be the hard number, as it is today.

33  
34 GLENN ORLIN:

35 Oh, OK. I stand corrected.

36  
37 RICK KIEGEL:

38 Well, you're are still correct, Mr. Orlin.



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1 GLENN ORLIN:

2 I am?

4 COUNCILMEMBER KNAPP:

5 Everybody is right.

7 RICK KIEGEL:

8 Right, right. The soft of it is that-- is that the 24 is the-- is the best-case situation, and as I  
9 mentioned earlier, there are any number of factors that will make this change in the next  
10 year or two.

12 COUNCILMEMBER KNAPP:

13 And the only other point, I guess-- and I appreciate the clarification on both points. I guess  
14 the only other thing I would add, and I realize people who represent other parts of the  
15 County, live in other parts of the County, haven't necessarily heard a hue and cry for light  
16 rail. I've been talking to people about this project for the last 10 years. I haven't been to a  
17 group yet that-- of the area that I represent that has said, "You know, we really want to  
18 have a lot more buses." I mean, the conversation has always been about having a light  
19 rail system that would connect the corridor cities. I mean, that's just been what the topic  
20 has been. When you talk about it, it's been extension of light rail from Shady Grove up to  
21 Clarksburg. That's just been the vernacular that's even been used. That's just been how  
22 it's been discussed with people, and so people didn't think there was a reason to have a  
23 different argument, and so, while I appreciate, perhaps, people haven't heard it, it just  
24 wasn't something that people discussed because that's what it was. It was a light rail  
25 project from Shady Grove to Clarksburg. And so I think that's an important point for people  
26 to understand-- that while in the Purple Line discussion, what the mode was, was perhaps  
27 a significant discussion for a longer period of time, and as it relates to the Corridor Cities  
28 Transitway, it just was a light rail project. And so up until recently, people didn't even  
29 recognize that there was an alternative that anyone could have considered. So that's one  
30 of the biggest reasons people haven't heard a hue and cry-- because that's just how the  
31 project was defined, was a light rail project.

33 GLENN ORLIN:

34 The most important thing-- again, I have to say this. I said this earlier. I'll say it again.  
35 Under either light rail or BRT, through the Gaithersburg West area, that goes through the  
36 Belward property and LSC, both of them are viable. LRT falls in the medium range, very  
37 competitive. BRT falls in the high range, extremely competitive. It's...it's just not an issue.

39 COUNCIL PRESIDENT ANDREWS:



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1 OK. Thank you for-- both for your comments. So I think this has been a very useful  
2 session. We're not done with it yet. We have a few more comments that are being made.  
3 Very briefly, I would note that I agree with Councilmember Knapp that having a Corridor  
4 Cities Transitway is crucial for Clarksburg, crucial for Germantown, crucial for  
5 Gaithersburg. What we're talking about here, I think, is what is most likely to get built, and  
6 I believe that bus rapid transit is much more likely to get built soon, given its huge cost  
7 advantage over light rail, because you can build light rail all the-- you can build bus rapid  
8 transit all the way to Clarksburg for the same cost of building light rail to Metropolitan  
9 Grove, which is about halfway. All right. Councilmember Trachtenberg is next. Then  
10 Councilmember Floreen. Then Councilmember Leventhal.

11  
12 COUNCILMEMBER TRACHTENBERG:

13 Thank you, President Andrews. And I will be brief in my remarks, given the lateness of the  
14 afternoon hour. I think many of you know I grew up in a large metropolitan setting-- New  
15 York City-- and grew up using transit. What some of you might not know is that I had the  
16 privilege of living overseas quite a few places, in both the seventies and eighties before I  
17 relocated down here to the D.C. area. And, you know, my experience with bus rapid  
18 transit versus light rail-- both really good transportation alternatives, but I can assure you  
19 that the experience on light rail is far superior to the experience on BRT. I mean, that was  
20 my personal experience. So I want to put that right out there at the beginning of my  
21 remarks. That's not to say that the development of a BRT system here in the metropolitan  
22 D.C. area would not be a wise investment. Surely it would be. But in my mind, when those  
23 kinds of projects are going to come on line, years in advance, there really does need to be  
24 a lot of outreach and education done with the community because the reality here for  
25 many people that live and work in this metropolitan area is they use their cars, and if you  
26 ask them why, it's because of convenience. And I can speak to that, because when I first  
27 got here to the Council, we had one family car. By the summer of my first year here, we  
28 had bought a second car, and that was simply because of convenience. And I live right  
29 near the White Flint Metro. Trains were very reliable, and they still are, but buses were  
30 always a problem, especially in certain parts of the County. And that, again, doesn't speak  
31 to the fact that I wouldn't use BRT--and I won't-- when it's in the north Bethesda  
32 redevelopment, and I hope it will be there. But I'm looking long-term for the community,  
33 looking at the investment, and while I would agree that cost, initial cost, and even growth  
34 are important considerations in whatever decision or recommendation this body makes, I  
35 really believe that for that part of the County, the wiser investment, the commitment to  
36 make at this point, is really for light rail, because the ridership ease is superior, and I also  
37 believe the economic benefits long term are more-- are more desirable. If we end up with  
38 a BRT option instead, I'll be happy with that, as well, but at this point, in terms of any



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1 recommendation and my part in making that recommendation, I strongly support the light  
2 rail option.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 Thank you, Councilmember Trachtenberg, and we have Councilmember Floreen, then  
6 Councilmember Leventhal, and then we will conclude the worksession. We are scheduled  
7 to vote on both the reversible lane option and the mode for the Corridor Cities Transitway  
8 next Tuesday. I think this has been very helpful in getting information out, and then  
9 immediately after this, the Audit Committee will meet, and then we'll come back here, and  
10 we're going to start the public hearing in the afternoon at 1:45, to give a little more time to  
11 the Audit Committee. So--

12  
13 COUNCILMEMBER FLOREEN:

14 Not the Audit Committee.

15  
16 COUNCILMEMBER TRACHTENBERG:

17 Could we start at 12:45?

18  
19 COUNCIL PRESIDENT ANDREWS:

20 We could do that.

21  
22 COUNCILMEMBER TRACHTENBERG:

23 Yeah. And that way we have an hour for the audit. That was what we originally scheduled.

24  
25 COUNCIL PRESIDENT ANDREWS:

26 OK.

27  
28 COUNCILMEMBER TRACHTENBERG:

29 It'll just give us-- everybody a chance to grab lunch.

30  
31 COUNCIL PRESIDENT ANDREWS:

32 Good idea. All right. So the Audit Committee will start at 12:45. We'll be wrapping up here,  
33 I'd say, in the next 5 minutes, and then we'll come back here at 1:45 for the public hearing  
34 and the rest of the session. Councilmember Floreen, and then Councilmember Leventhal.

35  
36 COUNCILMEMBER FLOREEN:

37 Well, thank you. I invite you all to stick around for the T&E Committee meeting this  
38 afternoon, where we take up the County Executive's proposal to eliminate expenditures in  
39 the transportation budget. Part of that is Super FareShare. That's just a little reminder of

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1 the flexibility of the transit system. Things change. They changed over the years. Our  
2 commitment to this and that evolves. But I think that what has convinced me to support  
3 the light rail proposal for this is really whether we're really committed to a long-term vision  
4 for this corridor. The issues that have been alluded to with respect to the White Flint  
5 development and the Purple Line are all about connecting...long-term infrastructure  
6 commitments made by-- years ago with respect to Metro. It's all about taking light rail from  
7 Bethesda through Silver Spring to New Carrollton. We would not have been having that  
8 conversation, and it would not have been so successful, if we were not talking about  
9 connecting long-term commitments to transportation infrastructure. That's what's driving,  
10 likewise, the White Flint conversation. It's not BRT. They're going-- we're going to have  
11 some supplementary bus service of some sort there, but the whole reason we're having  
12 that conversation with respect to White Flint is because of the wise decisions made years  
13 ago with respect to the Metrorail system. If people were going to think about the short-  
14 term costs of that infrastructure, we would never have Metrorail. And I really do think that  
15 this is a pivotal moment for Montgomery County to commit to a long-term system that runs  
16 up through Gaithersburg West on to Germantown and Clarksburg. I will remind my  
17 colleagues that we are talking about a multi-modal system for all of 270. We talked about  
18 the reversible lanes issue earlier, which was-- turns out to be the easy part. Who would  
19 have thought? But we do anticipate that there will be serious express bus service along  
20 270. We do anticipate that we'll-- and I would call it BRT. I'm not sure it's going to be a  
21 committed lane, but we're talking about a committed bus service along 270. That's really  
22 important to Frederick. We're also talking about that on the ICC. That's a committed bus  
23 service. And why is it? Because it is going to end up at a committed piece of  
24 infrastructure, which is the Shady Grove station. I think those are really important triggers  
25 in this conversation. What is long term? What is the vision? We can dither about the cost  
26 issue. Is there a place to put the buses? Well, who knows, because the people advancing  
27 the buses have also found reasons not to allow us to park them where we'd planned to  
28 park them. So we're going to have that problem. There are always going to be these kinds  
29 of very valid environmental concerns that we're going to have to address. There are  
30 always going to be cost issues that we're going to have to worry about in terms of  
31 operations, as well. I have to say, folks, they are rewriting the rules for the Surface  
32 Transportation Act. We're not sure when it's going to be done, but we can anticipate that  
33 they will be different from where they are now. We all know that, so the best we can do is  
34 estimate under the current rules, but there's no reason to believe that the current rules for  
35 cost effectiveness are going to be the same in the next 2 years at this point, when we get  
36 around to addressing this. And why is that? Because financing of public infrastructure,  
37 particularly transportation, is a nightmare right now at every level of government. Let's  
38 agree we don't have the answer, and there's really not the political will at other levels of  
39 government-- I think we're there, but at other levels of government-- to raise the revenues



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1 that we need to fund these elements. So I wouldn't get hung up on the numbers. I think we  
2 need to get hung up on the commitment. That's the real issue, and that's why I do think  
3 that the light rail initiative makes more sense for the long term. The concept that, "Oh, this  
4 is just a flexible line, and we just do it in parts" is a reason not to do it at all. That's why the  
5 Purple Line actually is so successful in its vision, in its community spirit, and the support  
6 that it has engendered, because that's actually a commitment to go from Bethesda to  
7 New Carrollton. Isn't the deal we do it all? That's a driving force and a spur that is the  
8 momentum for getting that system under way. And likewise, I really think-- would we be  
9 different if this line were going to end in a different County? I don't know, but I think to be  
10 fair to our residents, we need to have that same kind of commitment to a long-term capital  
11 investment all the way up to Clarksburg here, because that is the future of Montgomery  
12 County, and we are continuing to look at the roadway improvements, as well, but the real  
13 issue on this side of the conversation, I think, is, what is permanent, what is real, and what  
14 is committed? The constituencies, as Mr. Leventhal pointed out, are not out there saying,  
15 "Get me more buses." It's true. And the commercial environment, the commercial interests  
16 are not out there saying, "Get me more buses." They're out there saying, "Get me a  
17 permanent commitment that I can rely upon in the long term. I think that's light rail.  
18

19 COUNCIL PRESIDENT ANDREWS:

20 Thank you, Councilmember Floreen. I would just note that our Ride On bus system is  
21 heavily used, and there's desire to have more space on it, more buses. There's a lot of  
22 demand for it, and what we're talking about here is a permanent system, one, in my view,  
23 that's more likely to get built all the way to Clarksburg since it would cost little more than  
24 half-- not much more than half as much. Councilmember Leventhal, then councilmember  
25 Navarro, and I think we may be concluding at that point.  
26

27 COUNCILMEMBER LEVENTHAL:

28 OK. I would like to request, please, that my colleagues put aside the argument that I've  
29 heard articulated. Mr. Knapp addressed this also, but I just want to make it more explicit.  
30 We all agree there's no money. The Transportation Trust Fund is starving. We don't have  
31 a revenue source. We don't know how we're going to pay for any of these things. There's  
32 no money. So, that may be an argument for bus instead of rail because bus costs less  
33 money. What is not an argument for is saying, well, rail would cost us a billion, which we  
34 don't have, so let's build bus instead, which will cost half a billion, which we don't have,  
35 and spend the other half a billion on something else. That isn't logical. So I've heard  
36 proposed by a couple of my colleagues here, "Let's take the extra, let's take the difference  
37 and spend it on other things." Let's acknowledge there's no money, and again, that may  
38 be an argument for bus, but it certainly doesn't get us anything extra. And I don't know  
39 what's going to happen when we negotiate with the Federal Transit Administration on this



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1 project or on the Purple Line, but what I know is not going to happen is that the Federal  
2 Transit Administration is going to say to the state, "We're ready to give you a billion for  
3 rail," and the state says, "No, thanks, we'll take half a billion for bus," and the feds are  
4 going to say, "OK. Keep the change." That is not going to happen. So there's no extra  
5 money-- no extra money. No extra money to be spent on other buses, no extra money to  
6 be spent on other rail projects, no extra money. Sadly, there's no money. That's a real--  
7 that's overriding all of this. I also want to say to my impassioned colleague from Glen Echo  
8 that I do appreciate the strong-- isn't that where you live? MacArthur Boulevard? Oh, OK.  
9 Further out. I've been to your house. It's between--OK. MacArthur Boulevard. That what  
10 I'm concerned about, honestly-- and I have to live with the consequences of this, and with  
11 all due respect, you don't-- is that if the headline tomorrow is "Council recommends--" or a  
12 week from tomorrow-- is, "Council recommends bus for Corridor Cities Transitway," the  
13 concern-- the constituents are quiet now. We're not hearing from them yet. But let them  
14 read in the paper that we've turned down the aspiration that they've been hearing for  
15 years, that there's going to be a light rail system, and we voted for a bus instead, then  
16 there will be the hue and cry that we have not yet heard, that-- now, of course, you don't  
17 represent those people, with all due respect, the Council Vice President, but I do, and  
18 several of us do. And I think, you know, there is this sort of basic expectation that  
19 someday this thing is going to be built. If we tell them it's going to be bus-- if we raise our  
20 hand and vote for bus instead of rail, I anticipate there will be sharp protest, much, much  
21 concern and anxiety, which, you know, hasn't been weighing in now because the  
22 argument seems abstract, but we raise our hand and actually vote for a bus, you're going  
23 to hear from an awful lot of people who will tell us, promptly, they don't want a bus and  
24 they're quite disturbed with anyone who voted for a bus. So I'm just anticipating that's  
25 likely to occur. Will, in fact, people ride the buses if-- if the buses emerge? Here's the  
26 other issue with the collector systems. Presumably, the collector systems could also feed  
27 the express bus on 270. So you could get the benefit of this magic system, which I'm  
28 dubious about, that you're going to have these-- the Ride On buses are going to serve the  
29 neighborhoods, people are going to get on the bus in the neighborhood, they're going to  
30 get on the trunk line, and then go right where they want to go on the Corridor Cities  
31 Transitway. I'm skeptical of that, and let me tell you one of the main reasons. I mean,  
32 we've already addressed the issue that there's no storage lot for all these buses, but the  
33 second reason I'm skeptical is, Metro doesn't work that way now. Metro uses rail lines to  
34 substitute for bus lines, and Ride On does the same, so that, for example, once you add  
35 Metro service to Dulles, you're going to take away bus service all along the way. There's  
36 going to be fewer bus options, not more, to Tyson's out into Loudoun-- all along the Dulles  
37 route-- because you're going to have rail now. So if what we're saying is we're going to  
38 add bus service to feed people into the trunk line, that's the opposite of how Metro works.  
39 Bus service gets taken away when Metro gets expanded. And then finally, I do want to





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1 highlight, again, White Flint. The whole White Flint discussion is because there is rail  
2 there. Yes, it's heavy rail, but when we talk about BRT on Rockville Pike, it's augmenting  
3 the heavy rail service that's already serving Rockville Pike. It's not a brand-new proposal  
4 from nowhere. It's on top of the rail service that's already there and that's already giving  
5 rise to the whole concept of transit-oriented development. It's serving the rail station, the  
6 heavy rail station.

7  
8 COUNCIL PRESIDENT ANDREWS:

9 Thank you, Councilmember Leventhal. I would note that the transit share right now,  
10 roughly-- nationally and statewide-- is 50/50, so half the moneys for whatever the Corridor  
11 Cities Transitway ended up being would have to come from the state, and so that is  
12 discretionary money in terms of what else that can be used for in the state, and potentially  
13 the County, for transportation projects. I'll turn to Councilmember Navarro, who is the only  
14 light that we have left flashing, and we'll keep our fingers crossed and--ha ha!

15  
16 COUNCILMEMBER NAVARRO:

17 It's the only light at the end of the tunnel.

18  
19 COUNCILMEMBER FLOREEN:

20 There you go.

21  
22 COUNCILMEMBER NAVARRO:

23 And I'll be very brief, as I usually am. I just want to say, I mean, I think the good news is  
24 that Montgomery County is having a very spirited discussion regarding transit, and that's  
25 great. I mean, I think the fact that, you know, hopefully we'll be able to consider, in terms  
26 of 270 widening, I'm hoping that we would go with the 2 reversible lanes, and that's  
27 something that I would support. And for me, that just really fits into the conversation that  
28 we should always have, which is, you know, take a closer look and spend more time  
29 talking about-- and hopefully deciding for-- transit versus more roads. As I was running 2  
30 years in a row, one of the big discussions, of course, was the ICC, and the ICC is here,  
31 but, you know, a lot of people used to always comment on the fact that perhaps if we had  
32 been a little bit more forward-thinking that we could have had an investment made in,  
33 hopefully, rail versus just more roads. And so I find myself with that echo in my mind as  
34 I've thought through this whole process, so I will be supporting light rail. I think also it's  
35 really critical for us to send a unified message of sorts, a consensus message. If the  
36 Executive is so strongly supporting light rail, and if it's something that had been already  
37 discussed with the community for such a long time, if it's an opportunity that we have to  
38 send a message in terms of preference-- because it's just an advisory position-- that I feel  
39 very strongly that something that is-- I don't know how many years out, that we should, for

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1 the sake of the future infrastructure for Montgomery County. If we end up with, you know,  
2 bus rapid transit or something else, well, it's still transit, and I think that's great. If we can  
3 support BRT in other areas of the County where it makes sense, I will be right there with a  
4 big flag. But I think that we are trying to make a decision between 2 options that, at the  
5 end of the day, will be really important in terms of Montgomery County moving forward  
6 with this whole smart growth flag. So-- that's where I'll be, and I appreciate all the back-  
7 and-forth information and the passion around this issue.

8  
9 COUNCIL PRESIDENT ANDREWS:

10 Thank you, Councilmember Navarro, and I think this has been an excellent discussion,  
11 and we're going to conclude it now-- conclude the worksession. We'll come back next  
12 week for votes on the recommendations regarding expansion of 270 and the Corridor  
13 Cities Transitway mode, alignment, and so on. Thank you all for your responsiveness to  
14 the questions and being here today. We appreciate it. And the Audit Committee is going to  
15 meet at 1:00 so that its members can grab a little lunch before, and we'll start the public  
16 hearing still-- we're going to still go for 1:45 for that.

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TRANSCRIPT

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MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Phil Andrews, President

Councilmember Roger Berliner

Councilmember Marc Elrich

Councilmember Valerie Ervin

Councilmember Nancy Floreen

Councilmember Michael Knapp

Councilmember George Leventhal

Councilmember Nancy Navarro

Councilmember Duchy Trachtenberg



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1 COUNCIL PRESIDENT ANDREWS:

2 Good afternoon, everyone. Thank you for your patience. It has been a very busy morning  
3 and early afternoon, and we appreciate your hanging in there with us. We're jumping  
4 around a little bit on the calendar in order to balance the need to have people here for  
5 some of the items that require votes. So, we have a public hearing--I'm going to go to now  
6 to agenda Item 8, which is a public hearing that has no speakers and then has action  
7 scheduled immediately following the hearing. So, I think we have 6 Councilmembers here,  
8 and the hearing will be brief. This is a public hearing on a supplemental appropriation to  
9 the County government's FY10 Capital Budget for the Department of Economic  
10 Development of \$5 million for Ag Land Preservation Easements to fund the Building Lot  
11 Termination Program. Action is scheduled immediately following this hearing. There are  
12 no speakers for this hearing. I want to acknowledge the letters from the Agricultural  
13 Preservation Advisory Board and the Agricultural Advisory Committee in support of the  
14 supplemental appropriation for \$5 million for the BLT Program--that's Building Lots  
15 Termination Program, not the sandwich--during the public hearing on agenda Item 8. And  
16 we have a couple of Councilmembers who wish to comment on the item--Councilmember  
17 Leventhal, then Councilmember Knapp.

18  
19 COUNCILMEMBER LEVENTHAL:

20 Well, thank you, Mr. President. I'm really, really, really excited about this appropriation,  
21 and I don't know that we're going to be able to call a whole lot of attention to it in the public  
22 at large because it is complicated and hard to understand. We had to require the Planning  
23 Board to appropriate \$5 million from the Advanced Land Acquisition Revolving Fund in  
24 order to extinguish the last development rights of certain property owners. We don't yet  
25 know which ones. It sounds really complicated and confusing, but the bottom line is, is  
26 that we are making down payment on continuing the commitment to preserve our  
27 Agricultural Reserve forever. And this is the ongoing trust that those of us who serve in  
28 office in Montgomery County maintain, and it's little understood, and again, I'd like to  
29 make noise about it, but it's so complicated to try to explain it, that it's not likely the public  
30 will know how important this vote really is. One-third of Montgomery County, as long as  
31 those of us who sit here maintain this trust, and we hand this trust--we inherited this trust  
32 from those who preceded us and we're going to hand it on to those who succeed us. One-  
33 third of the County will always be agricultural land and open space, and we've made that  
34 commitment, and of course, Montgomery County has won national recognition, even  
35 though we're an urban county right at the doorstep of Washington, DC, as one of the best  
36 at rural farm land preservation in the United States. And this commitment is evidence that  
37 we are continuing to find innovative ways to protect our farm areas from development.  
38 And as we continue into the future, as we look at ways to promote sustainable agriculture,  
39 to support locally grown produce, to try to promote the sale of locally grown produce to



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1 increase the use of farmers markets and provide a market for agricultural producers, this  
2 is just one more step in that direction. This is a very, very important commitment, again,  
3 that the public little understands. When you--when you have 1/3 of the County in our  
4 Agricultural Reserve and then you add all the parkland that we have in Montgomery  
5 County, half of Montgomery County will never be developed. So, for all of the arguments  
6 and the debate about what happens within the development envelope, it's very, very  
7 important to keep in mind, we are really unique in the United States among large urban  
8 counties in devoting as much as we have to open space preservation and the promotion  
9 of agriculture. And I just want to state that this vote today, although it will receive little  
10 attention, does further that commitment, that I know is unanimously shared by all my  
11 colleagues.

12  
13 COUNCIL PRESIDENT ANDREWS:

14 Thank you, Councilmember Leventhal. Councilmember Knapp.

15  
16 COUNCILMEMBER KNAPP:

17 Thank you, Mr. President. Ditto to what Mr. Leventhal just said, because he said it very,  
18 very well. And I would just reassure him that I know that there's one reporter here  
19 exclusively because of what we're doing on BLTs, to write that story, so I know that this  
20 story is going to show up at least one place, which will be very helpful. But, no, I want to  
21 thank George, I want to thank our folks from the Ag programs within the Department of  
22 Economic Development, Jeremy Criss, the Ag working group that we had 3 years ago.  
23 This really is interesting, and it points to the challenge you just pointed out. I was--had a  
24 meeting within the Ag Reserve last night on a--as it related to the potential closing of a  
25 school, but all of the folks who were there live in the Ag Reserve and don't fully  
26 understand, I think, the commitment that we've made as a body to the preservation of  
27 agricultural in this community and as a way of life going forward. And so it is important for  
28 us to get that message out there, but in spite of whether or not people fully understand it,  
29 this BLT program, especially as we continue to find resources to fund it, will not only leave  
30 it up to discussion as to whether we make the right policies, we will have the easements in  
31 place that will ensure that people can farm this land for the rest of this County being in  
32 existence. So, we will have taken care of that. We won't have to necessarily leave it up to  
33 having other Councils in the future making the right decisions. We will have funded this  
34 appropriately. It will work because the easements will be in place, and that was the  
35 exciting part about this program--that we don't leave it to question, we actually have gotten  
36 rid of the last buildable elements that are there so that the land can continue to be farmed.  
37 And so I just want to thank this Council, the previous Council, and all of those folks who  
38 have advocated for the success of this new program. And we're going to be taking up the  
39 regulations in committee soon--given all the other issues that we're working on, but that's



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1 the next piece in this process, and I just thank everyone for their efforts to get to this point,  
2 and we'll continue to make sure that this is a viable entity going forward, and it's a very  
3 exciting day.

4  
5 COUNCIL PRESIDENT ANDREWS:

6 Thank you, Councilmember Knapp, and very well said by both you and Councilmember  
7 Leventhal. If I recall, the Ag Reserve was created in 1980, and I believe the County has  
8 protected more agricultural land than any other suburban county in the country, and we  
9 need to ensure that it is protected permanently, and that's what this will help do.  
10 Councilmember Navarro.

11  
12 COUNCILMEMBER NAVARRO:

13 I just wanted to say, as well, just how exciting this is. I had the opportunity last week to go  
14 on a tour, and it was a beautiful day, and I have to tell you that by the time I got back  
15 home, I was just so thrilled. It was like a retreat, and I was explaining to my children how  
16 fortunate we are to have this opportunity to make sure that we protect, that we are vigilant,  
17 and that we can secure this area of Montgomery County for future generations. And  
18 what's going on there is really very exciting, and the potential, as well, to go ahead and  
19 farm and perhaps provide some tabletop produce that we can consume locally. I think  
20 there are a lot of very innovative things happening, so I also want to just add my  
21 excitement that we hopefully are able to, you know, ensure, to guarantee that this will be  
22 an area that will be with us forever. So, I'm very excited.

23  
24 COUNCIL PRESIDENT ANDREWS:

25 Thank you, Councilmember Navarro. I think we're ready to vote now on the supplemental  
26 appropriation to the County government's FY10 Capital Budget, Department of Economic  
27 Development, \$5 million for agricultural land preservation easements to fund the Building  
28 Lot Termination Program. The source is Maryland-National Capital Park and Planning  
29 Commission contribution fund. So, all those in favor of this appropriation, please raise  
30 your hand.

31  
32 COUNCILMEMBER NAVARRO:

33 So moved.

34  
35 COUNCIL PRESIDENT ANDREWS:

36 All right. Let's have a motion. Who wants to move?

37  
38 COUNCILMEMBER ERVIN:

39 Second.



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1  
2 COUNCIL PRESIDENT ANDREWS:

3 Moved by Councilmember Navarro. Seconded by Councilmember Ervin. Very good. All  
4 those in favor of the motion, please raise your hand. And that is unanimous, 9-0. Very  
5 good. Thanks for the reminder. We're now going to go on to agenda Item 7, which is a  
6 public hearing on Zoning Text Amendment 09-10, the I-3 zone - Hospitals. This  
7 amendment would allow hospitals as a permitted use in the I-3 Zone under certain  
8 circumstances and generally amend the provision related to land use in industrial zones.  
9 Persons wishing to submit additional material for the Council's consideration should do so  
10 before the close of business Wednesday, November 25, 2009. A Planning, Housing, and  
11 Economic Development Committee worksession will be scheduled at a later date. We  
12 have 5 speakers signed up for this hearing. They are Sue Edwards, representing the  
13 Montgomery County Planning Board, Robert Harris, representing the Commercial Builders  
14 Council, Bob Dalrymple, representing Holy Cross Hospital, Eileen Cahill, speaking as an  
15 individual, and Sanjay Ray, representing Montgomery College. So, please all join us at the  
16 front. You each have up to 3 minutes. Please press the mike and introduce yourself at the  
17 beginning. If you have any written testimony, please hand it to the clerk to my left. And,  
18 Miss Edwards, you're first.

19  
20 SUE EDWARDS:

21 I'm first? Normally, you hear from Greg Russ, but he couldn't be here today. I'm Sue  
22 Edwards, the team leader for the I-270 corridor planning area, and I have the testimony  
23 from the Planning Board and their consideration of this Zoning Text Amendment on  
24 November 5. The Montgomery County Planning Board of the Maryland-National Capital  
25 Park and Planning Commission reviewed Zoning Text Amendment 09-10 at its regular  
26 meeting on February--excuse me, November 5, 2009. The Zoning Text Amendment  
27 allows a hospital as a permitted use in the I-3 Zone if the site is identified in a Certificate of  
28 Need by the Maryland Health Care Commission. The board's key concerns with ZTA 09-  
29 10 are discussed in the attached staff report. After careful review of the material of record,  
30 the board provides the following comments. First, until review of the Life Sciences Center  
31 Zone is complete and a determination is made as to whether this zone or the I-3 Zone is  
32 most appropriate for Montgomery College campus - Germantown, allowing hospitals by  
33 right in the I-3 one would be premature. Secondly, this Zoning Text Amendment is also  
34 premature since no state of Maryland Certificate of Need has been issued for a hospital  
35 on any existing or proposed I-3 zoned property in Germantown. Third, a Special Exception  
36 was recently granted to the Washington Adventist Hospital to relocate from Takoma Park  
37 to property zoned I-3 at the Westfarm Technology Park. Any proposal to permit hospitals  
38 by right in the I-3 Zone should first consider the impact on already approved hospitals. In  
39 this case, the approved Special Exception allows building of up to 145 feet high, and the I-



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1 3 Zone would limit this building height to 100 feet. Council Resolution 16-1126, by which  
2 the Council approved the Germantown Sector Plan in September 2009, states that the  
3 current revisions being considered for the Life Sciences Center Zone could also make the  
4 zone appropriate for Montgomery College property. It further conveys that once the LSC  
5 Zone is amended, additional analysis should determine whether the I-3 or the LSC Zone  
6 would better serve the college's needs. The Planning Board believes any changes to the I-  
7 3 Zone should occur only after a determination has been made that the I-3 Zone better  
8 serves the needs of Montgomery College. Thank you.

9  
10 COUNCIL PRESIDENT ANDREWS:

11 Thank you, Miss Edwards. Our next speaker is Mr. Harris.

12  
13 BOB HARRIS:

14 Good afternoon. For the record, I'm Bob Harris of Holland and Knight, appearing today not  
15 on behalf of the Commercial Builders Council, but on behalf of Adventist HealthCare.

16  
17 COUNCIL PRESIDENT ANDREWS:

18 OK.

19  
20 BOB HARRIS:

21 I apologize for any correction there. As the Council is well aware, Adventist HealthCare  
22 has been working for more than 5 years to obtain all of the necessary approvals to build a  
23 new hospital as part of a large medical services campus in Clarksburg. Having secured  
24 essential land-use approvals after considerable work and a lot of investment, Adventist  
25 HealthCare is now--has now pending a Certificate of Need application with the state. A  
26 more recent proposal, initiated last year by Holy Cross Hospital, could eventually scuttle  
27 the well-established plan for a hospital and medical campus in Clarksburg. For that  
28 reason, Adventist HealthCare is opposing the Holy Cross CON and does not support this  
29 ZTA. It would enable Holy Cross to shortcut the established Land Use Approval Process  
30 in the I-3 Zone. We are pleased the Planning Board and its staff also have recommended  
31 against the ZTA. First, the ZTA is premature. The site that is the subject of the Holy Cross  
32 CON is zoned R-60. The Germantown Sector Plan suggests rezoning the college campus  
33 either to the I-3 Zone or to the LSC Zone, depending on the final form of the LSC Zone,  
34 which is now pending, but no such rezoning has occurred. The adopted language of the  
35 Germantown Sector Plan makes it clear that any ZTA for the I-3 should not proceed until  
36 an amendment is made--or until an evaluation is made of which zone to apply to the  
37 college campus. That has not occurred, nor has any CON been granted. Second, the  
38 County has made it clear on multiple occasions that the CON decision is one for the state  
39 to make and that the County should not be viewed as unfairly favoring one site over the





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1 other. The CON process is at a critical juncture, and adoption of the ZTA at this time could  
2 be misinterpreted as favoring the Holy Cross proposal over the Adventist HealthCare  
3 proposal. Don't change the rules for one party in the middle of the process. Third, it is  
4 unclear that the I-3 Zone needs to be modified, even if it is ultimately selected for the--it is  
5 unclear whether the I-3 Zone needs to be modified, even if it's selected for the college  
6 campus. As you may be aware, Adventist HealthCare recently obtained approval of a  
7 Special Exception to relocate the Washington Adventist Hospital to an I-3 site in the  
8 eastern county. Adventist HealthCare was able to address all of the issues explored  
9 during the Special Exception process, and if Holy Cross were selected to build the new  
10 upcounty hospital, it too could address those requirements. It should not, however, be  
11 given special treatment compared to other hospitals, including Washington Adventist, who  
12 have proceeded in good faith through the Special Exception process. Finally, given that  
13 Adventist HealthCare already has a special exception for a hospital in the I-3 Zone, it  
14 would need to be looked more carefully to be certain that the revision would not have an  
15 adverse impact on the existing Special Exception. If and when an I-3 ZTA were to  
16 proceed, this issue would have to be addressed, but also the zone probably should be  
17 looked at to determine what other uses might be removed from the Special Exception  
18 category, as well, such as hotels, eating and drinking establishments, conference centers,  
19 and even residential uses, and whether nursing homes should be permitted in the zone,  
20 as well. There is no need to rush forward with an I-3 ZTA at this time. Thank you.

21  
22 COUNCIL PRESIDENT ANDREWS:

23 Thank you, Mr. Harris. Our next speaker is Mr. Dalrymple.

24  
25 EILEEN CAHILL:

26 Actually, Mr. President, it's Eileen Cahill, representing Holy Cross Hospital.

27  
28 COUNCIL PRESIDENT ANDREWS:

29 All right.

30  
31 EILEEN CAHILL:

32 Thank you for the opportunity to speak to you on the proposed Zoning Text Amendment  
33 09-10. You also have a copy of my written testimony, should I run over time. As is now  
34 well known to Councilmembers, Holy Cross Hospital has submitted a Certificate of Need  
35 application to the Maryland Health Care Commission for permission to build a new  
36 hospital on the Germantown campus of Montgomery College. Although our application  
37 was in the queue first, Holy Cross Hospital agreed to put our application into a  
38 comparative review with Adventist HealthCare's proposal to build a new hospital in  
39 Clarksburg. We joined others in agreeing that establishing a new hospital is a big

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1 decision, as evidenced by the fact that there has not been a new hospital built in  
2 Montgomery County in 30 years, and since that time, the County's population has  
3 increased by more than 350,000 people. Simultaneous with our submission for a new  
4 hospital in Germantown, Holy Cross Hospital submitted a CON application for expansion  
5 of our Silver Spring facility, and, in a parallel track, began pursuit of local zoning approvals  
6 for both locations. In September 2009, the Board of Appeals granted Holy Cross Hospital  
7 a Special Exception and two variances to build a new patient tower and to expand parking  
8 capacity in Silver Spring. For the proposed Germantown hospital, Holy Cross Hospital  
9 was asked to work within the context of the Germantown Sector Plan process, which we  
10 did. In those proceedings, the County Council determined that the CON process should  
11 establish the need for a new hospital in a specific location, not the Sector Plan, but if  
12 granted a CON, a new hospital should be permitted by right. Consideration was given on  
13 whether a Life Sciences Center Zone, which permits a hospital by right, or an I-3 Zone,  
14 which requires a Special Exception, was the appropriate zone for the Germantown  
15 campus of Montgomery College. Because the Germantown Sector Plan stated preference  
16 to rezone the College to an I-3, the County Council determined in September 2009 that  
17 amendment to the text of the I-3 Zone was necessary to make a hospital a permitted use.  
18 Upon an amendment of the I-3 Zone and through the Sectional Map Amendment process,  
19 final determination would be made if an amended I-3 Zone or an amended LSC Zone is  
20 the appropriate zone for the Germantown campus of Montgomery College. And so I am  
21 here today to appeal to you as a District Council to support ZTA 09-10. The bill language  
22 ties approval of a new hospital as a permitted use in the I-3 Zone to the Maryland Health  
23 Care Commission's issuance of a CON for a new hospital. Your support of the ZTA  
24 ensures that a new hospital, whichever site the state deems appropriate--Germantown or  
25 Clarksburg--can begin the development process with urgency--urgency because  
26 Montgomery County is growing and aging, and as noted many times by Holy Cross  
27 Hospital and Adventist HealthCare, the upcounty is the only region without a hospital. The  
28 pressures on existing hospitals will only increase as Montgomery County continues to  
29 rapidly grow and age. Thank you for your attention and consideration.

30  
31 COUNCIL PRESIDENT ANDREWS:  
32 Thank you, Miss Cahill. Mr. Dalrymple.

33  
34 BOB DALRYMPLE:  
35 Thank you. Bob Dalrymple, signed up as an individual but also in support of the Holy  
36 Cross Hospital position. The underlying public policy reasons behind this Zoning Text  
37 Amendment are certainly strong and sound, and that is, when the state issues a  
38 Certificate of Need for a hospital at a particular location, that the local zoning entitlement  
39 process should be focused on a site plan review, not whether or not a hospital should be



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1 in existence, because that decision has essentially already been made at the state level,  
2 where it more appropriately is to be made. To delegate that authority to a Board of  
3 Appeals for a Special Exception is not sound public policy, and this Zoning Text  
4 Amendment would fix that problem as to the I-3 Zone. So, in that respect, I do not agree  
5 with Mr. Harris on the public policy objectives. The timing for this is also appropriately  
6 now, and the reason for that is during the Sector Plan process, when there was discussion  
7 about whether the LSC zone or the I-3 zone would be more appropriate for the College  
8 District, the LSC Zone really came into play mainly because of the potential hospital use  
9 on the campus, and in order to level the playing field, it was the decision of the Council  
10 that the I-3 Zone should be amended to make the hospital a permitted use and then  
11 evaluate whether or not the I-3 Zone or the LSC Zone, as the LSC Zone was being  
12 amended, is the most appropriate zone. So, to withhold that decision would not allow the  
13 college to really make that decision at the time of the Sectional Map Amendment because  
14 it would still be guesswork involved in terms of whether the I-3 Zone was or was not going  
15 to permit a hospital use. On the issue of Washington Adventist Hospital at the White Oak  
16 area, that use does not have a Certificate of Need yet, so it would still--under the way the  
17 ZTA is written, would still be a Special Exception use. So, I don't see why there's any  
18 confusion as to that. The Special Exception would still remain valid. That would be the  
19 method for that hospital to exist in the I-3 Zone, because they had not yet pursued or had  
20 issued a Certificate of Need. And if there's any confusion still remaining, grandfathering  
21 language, grandfathering already-approved hospitals, could certainly be written into the  
22 ZTA, as it is with other ZTAs. Just one final comment, which is Mr. Harris referred to this  
23 as being a shortcut of process, and I'll remind you that when an emergency clinic was  
24 approved for the Germantown area, there was a Zoning Text Amendment to make that a  
25 permitted use after, in fact, the preliminary plan was approved for that site. So, it's not  
26 unusual for public policy to be corrected mid-stream to do the right thing, and we're asking  
27 you to please do the right thing.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 Thank you, Mr. Dalrymple. Our final speaker on this panel is Mr. Ray.

31  
32 SANJAY RAY:

33 Thank you, Mr. President. My name is Sanjay Ray, and I'm interim vice president and  
34 provost for Germantown campus of Montgomery College. Montgomery College and  
35 Montgomery College Foundation respectfully request the adoption of Zoning Text  
36 Amendment 09-10 as recommended during the worksessions of the Germantown Master  
37 Plan. In partnership with Montgomery County, Montgomery College is working to bring to  
38 fruition the Science and Technology Park on Germantown campus. We embarked on this  
39 effort to further both the economic development goals of the County and namely to repeat



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1 the success of the Shady Grove Life Sciences Center and to enhance educational  
2 economic opportunities for our students. As you know, the plans for the park and the  
3 campus include a business incubator, a nearby science academic facility, and the  
4 development of the park itself. To date, together with the County government, we opened  
5 the Germantown Innovation Center, which is home to over 20 start-up businesses, and we  
6 expect to break ground on the Bioscience Education Center next summer, which should  
7 open to students by 2012. Now we need to attract tenants to the park to make the true  
8 benefits of our partnership a reality--a continuum of bioscience and technology education  
9 and training from middle school to post-doctoral levels in an integrated academic,  
10 business, and research environment. Major medical facilities are key tenants and central  
11 to the success of joint academic and industrial business parks around the country. In fact,  
12 almost 46% of 87 such parks responding to a 2003 Association of University Research  
13 Parks survey reported that medical biotechnology was the dominant technology in the  
14 park. Montgomery County's own Shady Grove Life Sciences Center is also evidence of  
15 this fact. We ask for your support for Zoning Text Amendment 09-10, which will allow a  
16 hospital with a state-issued Certificate of Need as an allowed use in the I-3 zone. This  
17 ZTA will facilitate the construction of a hospital as an anchor tenant in the park, and as a  
18 result, help jump-start further development of the park. We want to be ready as the  
19 economy returns to finally make the new Life Sciences Center a reality to help create  
20 knowledge economy jobs and create opportunities for our students. Thank you.

21  
22 COUNCIL PRESIDENT ANDREWS:

23 Thank you, Mr. Ray. There are no--well, there's a question or comment, I think. Mr.  
24 Knapp.

25  
26 COUNCILMEMBER KNAPP:

27 Just a question. I wanted clarification from Miss Edwards. We don't need it for today, but  
28 when we actually did the Master Plan discussion, my recollection is that this was a point  
29 that we discussed with the Planning Board and staff in front of us, and that we generally  
30 were in agreement that this was the way to proceed, so when I actually saw the Planning  
31 Board's documentation that came with this on Friday, I was a little surprised. So, we just  
32 need to--I just want to have some clarification when we get to this before the committee.  
33 Thanks.

34  
35 COUNCIL PRESIDENT ANDREWS:

36 Thank you, Councilmember Knapp. There are no other questions, so thank you all very  
37 much for your testimony. And I think we're going to just take a pause for a minute, and  
38 then we'll be going on shortly to the District Council session and then the update on the  
39 County Executive's Positive Youth Development Initiative. So, we'll be back in about two

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1 minutes for those items. ...earlier in the meeting, which was the annual Growth Policy for  
2 2009-2011, and I'll turn to Mr. Leventhal.

3  
4 COUNCILMEMBER LEVENTHAL:

5 Thank you, Mr. President. The Councilwoman from District 5 was involved in a strategy  
6 discussion regarding Maintenance of Effort, which is probably the most serious issue  
7 facing the Council right now, and there was an issue that she was interested in with  
8 respect to the mitigation areas during the Growth Policy, but the Council acted while she  
9 was out of the room. And so, as a courtesy to her, I am now moving to reconsider the  
10 Growth Policy, and I will move--give me the memo, please, Valerie--and I will move that  
11 on the definition of the special transit mitigation areas that the areas will be--

12  
13 COUNCIL PRESIDENT ANDREWS:

14 Well, we first need to--we have to reopen it, so make a motion.

15  
16 COUNCILMEMBER LEVENTHAL:

17 So, I'm going to move to reopen the Growth Policy. If I can get a second.

18  
19 COUNCIL PRESIDENT ANDREWS:

20 All right. So it's moved by Councilmember Leventhal, seconded by Councilmember  
21 Floreen, to reopen the Growth Policy. All those in favor?

22  
23 JEFF ZYONTZ:

24 You might want to suspend your rules to change your agenda first, just to be on the safe  
25 side.

26  
27 COUNCILMEMBER LEVENTHAL:

28 OK. So, I move to suspend the rules that we may change the agenda to bring the Growth  
29 Policy back before the Council.

30  
31 COUNCIL PRESIDENT ANDREWS:

32 Is there a second?

33  
34 COUNCILMEMBER FLOREEN:

35 Second.

36  
37 COUNCIL PRESIDENT ANDREWS:

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1 Seconded by Councilmember Floreen. All those in favor of suspending the rules in order  
2 to bring the Growth Policy back before the Council this afternoon, please raise your hand.  
3 That is unanimous.

4  
5 COUNCILMEMBER LEVENTHAL:

6 OK. I move to reconsider the Growth Policy, Mr. President.

7  
8 COUNCIL PRESIDENT ANDREWS:

9 Is there a second? All right. Moved by Councilmember Leventhal and Councilmember  
10 Floreen to reopen--reconsider the Growth Policy of 2009-2011, which was acted on earlier  
11 today. All those in favor, raise your hand. That's unanimous. OK. It is opened.

12  
13 COUNCILMEMBER LEVENTHAL:

14 OK. I move that the definition of the special transit mitigation areas shall be Metro Station  
15 Policy Areas, plus Germantown, plus Kensington, Rock Spring Park, White Oak, and  
16 North Bethesda.

17  
18 COUNCILMEMBER FLOREEN:

19 Second.

20  
21 COUNCIL PRESIDENT ANDREWS:

22 OK. Everybody understand the motion? And that would be--that would replace what was  
23 that provision earlier.

24  
25 COUNCILMEMBER LEVENTHAL:

26 That would replace the agreement that had been reached earlier on this transit mitigation  
27 area.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 OK. All right. Does that sound appropriate in terms of the legal construction, Mr. Zyontz?  
31 OK.

32  
33 JEFF ZYONTZ:

34 Yes.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 All right. So that's moved by Councilmember Leventhal. Seconded by Councilmember  
38 Floreen. I don't see any discussion. All those in favor of that change, please raise your  
39 hand. That's unanimous. OK. And then we would readopt the Growth Policy.



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1  
2 JEFF ZYONTZ:

3 Now you readopt it as amended.  
4

5 COUNCIL PRESIDENT ANDREWS:

6 Now we're going to vote on the Growth Policy as amended.  
7

8 COUNCILMEMBER LEVENTHAL:

9 And I now move to approve the Growth Policy as amended, Mr. President.  
10

11 COUNCIL PRESIDENT ANDREWS:

12 All right. Moved by Councilmember Leventhal. Seconded by Councilmember Floreen to  
13 adopt the Growth Policy as amended just now. All those in favor, please raise your hand.  
14 And that is unanimous. That is done. Thank you all.  
15

16 COUNCILMEMBER KNAPP:

17 Such collegiality.  
18

19 COUNCIL PRESIDENT ANDREWS:

20 All right. Thank you. All right. We're now going to go into District Council session, and  
21 we're going to take up Item 9, which is consideration of the Hearing Examiner's report and  
22 recommendation, application number G-877. The applicant is Kensington Heights 2, LLC--  
23 Steven A. Robins, and Martin J. Hutt, attorneys. The property is roughly 3 acres located at  
24 West University Boulevard and Findley Road in Kensington. The action is to rezone from  
25 R-60 and C-T to RT-8. Planning staff recommends approval. Planning Board  
26 recommended denial. Hearing Examiner recommends approval. We have the Hearing  
27 Examiner with us to brief us on the status of this recommendation.  
28

29 MARTIN GROSSMAN:

30 Good afternoon, Mr. President. For the record, my name is Martin Grossman, Hearing  
31 Examiner in this case. The application requested rezoning from the existing R-60 and C-T  
32 Zones to the RT-8 Zone. The property is located at West University Boulevard and Findley  
33 Road in Kensington, Maryland. The applicant proposes to build 27 dwelling units, 24 of  
34 which would be townhomes, and 4 of those would be moderately priced dwelling units--  
35 MPDUs--and 3 single-family detached homes. The proposal is set forth in the schematic  
36 development plan Exhibit 95(a)--it's circle 39 in the record--and as part of this  
37 development, the applicant has agreed with the community and binding elements to  
38 arrange the proposed units in such a way that for the most part, the detached units will  
39 face existing detached units in the community, and the townhomes will face surrounding

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1 major roadways. In the course of the hearing, the opposition from the community was  
2 withdrawn--at least the Kensington Heights Citizens Association, and one--there was one  
3 person who still opposed, based on the same grounds that the Planning Board voted 2-1  
4 in this case not to--not to recommend this rezoning, and that basis was that there is under  
5 consideration a review of the Sector Plan, an amendment to the Sector Plan, but the  
6 evidence in this case was that it would take about two years for that to get through the  
7 system. Both the technical staff Development Review Division and the Hearing Examiner  
8 felt that there was no reason to wait two years for what appears to be an excellent  
9 development under the standards we consider. And so we recommended approval of this  
10 rezoning. I should note there was one other issue in this case, and that was the question  
11 of how many votes would be needed to grant the rezoning here--6 versus 5. I note in a  
12 footnote at the end that I believe it should be 6 votes, because the property was not  
13 specifically designated by the Master Plan here as an RT-8 rezoning. It was designated  
14 for RT-6 and C-T, and so--and the Planning Board did not recommend its approval, so I  
15 believe it's a 6-member vote, but that's more a question for Mr. Zyontz.

16  
17 COUNCIL PRESIDENT ANDREWS:

18 Mr. Zyontz agrees with you.

19  
20 MARTIN GROSSMAN:

21 All right. The applicant did not agree. But in any event, that is the recommendation here,  
22 and the recommendation is for approval.

23  
24 COUNCIL PRESIDENT ANDREWS:

25 Thank you very much for that. I will see if there are any motions or comments from my  
26 colleagues.

27  
28 COUNCILMEMBER ERVIN:

29 I move approval.

30  
31 COUNCIL PRESIDENT ANDREWS:

32 OK. Councilmember Ervin moves approval of the opinion. Seconded by Councilmember  
33 Knapp. Is there any discussion? Seeing none, I think we're ready then to vote on the  
34 measure. And I do not think this is--

35  
36 CRYSTAL BROCKINGTON:

37 Roll call.

38  
39 COUNCIL PRESIDENT ANDREWS:



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1 It is a roll call? OK. Very good. Thank you for reminding me.  
2  
3 CRYSTAL BROCKINGTON:  
4 Yes. Miss Navarro.  
5  
6 COUNCILMEMBER NAVARRO:  
7 Yes.  
8  
9 CRYSTAL BROCKINGTON:  
10 Mr. Elrich.  
11  
12 COUNCILMEMBER ELRICH:  
13 Yes.  
14  
15 CRYSTAL BROCKINGTON:  
16 Miss Trachtenberg.  
17  
18 COUNCILMEMBER TRACHTENBERG:  
19 Yes.  
20  
21 CRYSTAL BROCKINGTON:  
22 Miss Floreen.  
23  
24 COUNCILMEMBER FLOREEN:  
25 Yes.  
26  
27 CRYSTAL BROCKINGTON:  
28 Mr. Leventhal.  
29  
30 COUNCILMEMBER LEVENTHAL:  
31 Yes.  
32  
33 CRYSTAL BROCKINGTON:  
34 Miss Ervin.  
35  
36 COUNCILMEMBER ERVIN:  
37 Yes.  
38  
39 CRYSTAL BROCKINGTON:



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1 Mr. Knapp.

2  
3 COUNCILMEMBER KNAPP:

4 Yes.

5  
6 CRYSTAL BROCKINGTON:

7 Mr. Berliner.

8  
9 COUNCIL VICE PRESIDENT BERLINER:

10 Yes.

11  
12 CRYSTAL BROCKINGTON:

13 Mr. Andrews.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 Yes. The opinion is adopted, 9-0, on consideration of application number G-877. Thank  
17 you, everybody.

18  
19 MARTIN GROSSMAN:

20 Thank you, Mr. President.

21  
22 COUNCIL PRESIDENT ANDREWS:

23 All right. Our final item for the afternoon for the County Council is an update on the  
24 Positive Youth Development Initiative. We're going to have a briefing with a number of  
25 individuals representing the Executive branch, including Uma Ahluwalia, the director of the  
26 Department of Health and Human Services; Gabriel Albornoz, director of the Department  
27 of Recreation; Chief Thomas Manger of our police department; Catherine Matthews, the  
28 director of the Upcounty Regional Services Center; Kathy Lally, executive director of the  
29 Collaboration Council; and Edward Newsome, director of School Performance in  
30 Montgomery County Public Schools. So, I invite each of you to join us here at the front.  
31 Looks like we're going to have a presentation, and I'm going to ask the lead member for  
32 youth programs on the Council, Councilmember Elrich, if he would like to make any  
33 opening comments about the update or the issues that are related to it. Councilmember  
34 Elrich.

35  
36 COUNCILMEMBER ELRICH:

37 This has been part of a long process, and we started out a couple of years ago trying to  
38 get everything into one organized, coherent overview of what the County does. And I think  
39 that we're moving toward that, and this is actually progress, and I think some people didn't



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1 think it would get done. I feel much better where we are now than where we were before. I  
2 think we have a better ability to answer questions and to evaluate data and a better sense  
3 of what it is we're doing and why we're doing it. And so I'm happy that the efforts  
4 everybody has made are coming to fruition. I mean, the good news in the report is a lot of  
5 the indicators that you want to see go down are going down, and that's a good thing. It  
6 doesn't mean problems are solved, by far, but it does mean that, you know, some things  
7 are moving in the right direction. And I guess one of the enduring mysteries that staff  
8 pointed out is why. Is it something we did or are doing? Is it external factors? You know,  
9 can people point to interventions and changes in policies and practices that they think  
10 have actually contributed to, you know, movement, I think, in a more hopeful direction?  
11 So, with that, take it away.

12  
13 COUNCIL PRESIDENT ANDREWS:

14 Thank you, Councilmember Elrich. And just to remind people, we've allocated about half  
15 an hour for this item, and I know the T&E Committee will want to start its meeting by 3:30  
16 in this room.

17  
18 COUNCILMEMBER FLOREEN:

19 We will, indeed.

20  
21 COUNCIL PRESIDENT ANDREWS:

22 All right. So, just to let everybody know what the timeframe is. Please go ahead and  
23 proceed with your presentation.

24  
25 GABRIEL ALBORNOZ:

26 All right. Good afternoon. We will attempt to set a County, if not world, record to try to  
27 comply with this--in a half an hour restraint. Gabe Albornoz, director of the Department of  
28 Recreation. Why don't we go across the table and introduce ourselves?

29  
30 THOMAS MANGER:

31 Tom Manger, chief of police.

32  
33 UMA AHLUWALIA:

34 Uma Ahluwalia, director, Department of Health and Human Services.

35  
36 KATHY LALLY:

37 Kathy Lally, with the Collaboration Council.

38  
39 GABRIEL ALBORNOZ:



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1 OK. So, we are here this afternoon, obviously, to provide you guys with an update on the  
2 Positive Youth Development Initiative. To review very quickly what exactly this initiative is,  
3 to provide the context for this discussion, and then to give specific updates with regards to  
4 the prevention, intervention, and suppression efforts as part of the strategy. Positive Youth  
5 Development, on its most basic level, is a cross-multi agency, multi- organization, multi-  
6 community effort to enhance programs and services for youth which will hopefully lead to  
7 a decrease in--oh, thanks--hopefully lead to a decrease in incidences of juvenile crime,  
8 increase academic performance, and just hopefully create a better environment for our  
9 youth across the County. And so it includes elements of direct services, programs that are  
10 carried out by my colleagues in various County agencies, as well as community-based  
11 organizations. It includes community-based collaboratives, which are efforts to engage  
12 communities at that level to access information and tackle real-life issues in real time in  
13 those neighborhoods. And then lastly, it involves better leveraging resources and  
14 coordinating those resources to eliminate duplication and to try and enhance our  
15 programs as a whole. And so--next slide, please. The strategy is made up of 3 elements,  
16 and I will say this is a continuation of very past successful efforts to tackle the gang issue  
17 in the County. And so the way that we are structured is prevention, intervention, and  
18 suppression. The piece that I am the most responsible for and that I will present to you  
19 this afternoon is related, obviously, to prevention. Chief Manger will discuss suppression  
20 strategies and updates, and Uma will discuss intervention strategies. While this chart  
21 looks a little complicated, I'll walk you through it, because it actually is not--but it looks like  
22 it is, obviously. Yes. That's interesting. That's a good way of putting it. On the left-hand  
23 side, you see some of--most of--the agencies responsible for this effort as a whole, which  
24 includes Recreation, Health and Human Services, police, et cetera. On the bottom tier of  
25 the triangle, in yellow, are those prevention strategies that are either direct programs  
26 offered by our organization or other community-based organizations, but it also includes  
27 very important efforts to tie some of those pieces together, and one of those efforts is  
28 Excel Beyond the Bell, and Kathy Lally from the Collaboration Council--the Collaboration  
29 Council is the lead of that effort--will provide you guys with an update as with regards to  
30 that. Also within that prevention component are the community-based collaboratives,  
31 which is another element that's critical. Within intervention are many of the programs  
32 sponsored by HHS, coordinated by HHS, and obviously suppression, law enforcement,  
33 juvenile services, et cetera. There is a steering committee that is chaired by Chief Manger,  
34 Uma, and myself that meets on a quarterly basis to ensure that there is continued  
35 coordination of these efforts and to tackle emerging issues as they happen and also make  
36 policy recommendations moving forward. I will now segue into data collection specific to  
37 Recreation Department, because again, we're one of the lead agencies, particularly as it  
38 relates to prevention. And so there are two programs that I will highlight with data along  
39 with those programs, as well as some other initiatives that I'm particularly proud of. The



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1 first is our Sports Academy Program, which is currently in 6 high schools. 5 of those high  
2 schools, the Recreation Department is directly responsible for the coordination and  
3 dissemination programs, and the sixth high school is Einstein High School, and we have a  
4 contract with the YMCA to actually carry out those particular services. If we go to the slide  
5 just previous to this slide-- thank you. There is an over-arching chart of the trends as it  
6 relates to the surveys that we are collecting as part of these programs. As Councilmember  
7 Elrich indicated, we've come a long way in our ability to track information and make  
8 informed program decisions moving forward. And so there is a steady rise in most  
9 categories, which is thanks to the dedication of our staff, and they relate specifically to  
10 satisfaction with the staff, attitudes and behaviors, and positive life choices. The one line  
11 that has dipped slightly is overall program satisfaction, and as you guys know well, we've  
12 unfortunately had to make program reductions, and I have--because of the economic  
13 situation and the budget situation, we've had to cut back on some of the bells and whistles  
14 as it relates to these programs. We no longer offer the same amount of trips. There is now  
15 a higher participant-to-staff ratio. And so that's why we think there's a slight dip there. The  
16 next two slides--

17  
18 COUNCIL PRESIDENT ANDREWS:

19 All right. Let me stop you there for just a second. Councilmember Ervin has a question.  
20

21 COUNCILMEMBER ERVIN:

22 Just a quick question about the data collection. And I see you're using percentages, which  
23 are very misleading, in my opinion, and if you were looking at actual numbers, what the  
24 numbers would tell us is that the pool of children or youth or young people we're talking  
25 about, it's not--those numbers make it look like we're dealing with thousands of kids. I just  
26 think--I'm looking over at Councilmember Navarro, because we served on the Board of  
27 Education together, and the way we began to really make significant changes in policy  
28 was to deal in real numbers and not percentages. And so I'm wondering if you broke that  
29 out by numbers, what would that look like?  
30

31 GABRIEL ALBORNOZ:

32 The subsequent slides deal specifically with the answers to the questions within the  
33 survey that we have. We issued a little over 1,400 surveys to participants of the programs,  
34 and so the information that we got back was based on those 1,400 exit surveys from the  
35 program. That doesn't represent all of the youth, obviously, that participated in the  
36 program, but we believe that's a strong program sample, and we actually work with the  
37 Collaboration Council and have a contract with the Collaboration Council to crunch those  
38 numbers and quantify those numbers, and so they feel they are statistically relevant and  
39 that they do cover a strong number of youth in the program.



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1  
2 COUNCILMEMBER ERVIN:

3 Well, I don't want to belabor the point, but there are 140,000- plus students in MCPS, and  
4 as a percentage of those students, 1,400--what is that in percentage wise, what we're  
5 talking about baseline here. So, I'm just saying, you know, in terms of public policy and  
6 what we do here is pay for those programs that we think do the most good. So, I'm just  
7 looking for numbers, and, you know, I don't want to put you on the spot.  
8

9 GABRIEL ALBORNOZ:

10 No. You're not putting me on the spot. We--these are--these surveys track the outcome  
11 data in 6 high schools, in 6 programs, through the Sports Academies Program, 5 of which  
12 we manage and the sixth of which we have a contract. And we collected 1,400 surveys  
13 from the approximately 4,000 participants overall, over the course of a year. So, this is--  
14 you're correct in pointing out that this is a small sample of one program, but this is one  
15 program that we are directly responsible for the coordination of. And so that's what you  
16 see before you. But this in no way represents the satisfaction of afterschool programs  
17 across the entire County. This is just one program.  
18

19 COUNCIL PRESIDENT ANDREWS:

20 Right. OK. So, you have 1,400 surveys of the 4,000 participants.  
21

22 GABRIEL ALBORNOZ:

23 Correct.  
24

25 COUNCIL PRESIDENT ANDREWS:

26 So it's a good number of the participants. It's a--obviously, the participants is a subset of  
27 the number of students. OK. Councilmember Elrich.  
28

29 COUNCILMEMBER ELRICH:

30 I find what's missing out of this data is some of the data that you --data that you showed in  
31 the earlier presentations, which was students by school, how many attended the rec  
32 program versus how many attended the academic supports, and how frequently they  
33 attended, because there was a lot of discussion about, you know, they come a couple of  
34 times, but are they there all year? So, it's hard to judge efficacy unless you know that, and  
35 I think the point that Valerie makes, you know, that's whatever this number is against  
36 140,000, but the other data is, you know, how does this number compare, say, with each  
37 of these schools with the number of kids who are academically ineligible? Because in my  
38 mind, the continuing struggle is, the number of academically ineligible is pretty large, and  
39 then there are a bunch of kids who aren't academically ineligible, but their grades aren't

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1 going to get them anywhere the way they are. And so if we don't get a picture of who it is  
2 who needs help and who we're serving, this is only part of it. I mean, survey data that's  
3 based on what you think about a program--I mean, I could feed kids ice cream. I was a  
4 schoolteacher, you know? We had these little surveys, and, you know, the drive is to do  
5 things that make your kids fill out the survey and be really, really happy with you. That  
6 doesn't necessarily mean I'm doing a good job as an educator. It just means I've figured  
7 out how to make my kids happy.

8  
9 GABRIEL ALBORNOZ:

10 Well, two things. Look, all valid points. We do have attendance data--and although it's not  
11 specifically in your packet, I will present that to you--and we actually did present it to  
12 Council staff, but we got it to Council staff too late to include within the packet. But what  
13 the attendance figures will show is that there has been a steady increase across all Sports  
14 Academies, as well as a steady increase in the--taking advantage of the academic  
15 services within those programs, as well. And so the surveys that we're administering are  
16 one element of a tool that we use. The second tool that we will be using in the future--and  
17 this is where we've made great strides--is, Montgomery County public schools have truly  
18 been a partner in this effort, and I actually have a copy of an MOU that has finally been  
19 reviewed by our County Attorney's office, as well as the attorneys at MCPS, that we're  
20 close to signing that finally, once and for all, deals with the confidentiality issue. And so  
21 moving forward, what I will be able to provide you is not just exit surveys related to these  
22 specific programs, but what you've been requesting for some time, which is the  
23 percentage of students that are academically ineligible, the attendance records of the  
24 students participating, and also information related to their academic performance. So,  
25 that information is forthcoming. We've got the mechanism, and we're going to start  
26 tracking that in the future.

27  
28 COUNCILMEMBER ELRICH:

29 I think you hit on, I think, the data that all of us really critically need, because to decide  
30 what goes next or whether we're really reaching these kids appropriately, we've got to  
31 know whether it has an academic impact, and I'm one of those who thought that the  
32 invention of the Sports Academies--that the sports was the hook to bring them in to do the  
33 academic stuff and that it wasn't just to let them play because they were ineligible to play  
34 otherwise, but to use that as the mechanism that would get them more engaged  
35 academically. And I think that's what I want to see working, is these children are getting  
36 the academic support they need.

37  
38 GABRIEL ALBORNOZ:



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1 Right. And I think--I have developed, despite 3 consecutive years in a row of reductions, a  
2 bucket list of initiatives, programs, that I know need to happen.

3  
4 COUNCILMEMBER ELRICH:  
5 You're going to be alive for a long time.

6  
7 GABRIEL ALBORNOZ:  
8 Yeah, I know.

9  
10 COUNCILMEMBER ELRICH:  
11 That's too long for the bucket list.

12  
13 GABRIEL ALBORNOZ:  
14 To fully take advantage of these programs, we've got 3 years of data, we've got 3 years of  
15 relationships that we can build off of, and I feel really good in the foundation that we've set  
16 moving forward. And I've had some conversations with key administrators on the school  
17 side to see how we can better collaborate and partner and create something. I think the  
18 paradigm shift needs to be, it's not in school, it's not out of school; it's one unit. And so  
19 that's where I'd like for us to be, and eventually we will get there. I'll just fly through the  
20 rest of these because--

21  
22 COUNCIL PRESIDENT ANDREWS:  
23 Just one more comment. Councilmember Navarro has a question or comment.

24  
25 GABRIEL ALBORNOZ:  
26 OK. Sorry.

27  
28 COUNCILMEMBER NAVARRO:  
29 Well, Gabriel, I guess you touched on my question or my comment. In reality, the genesis  
30 of the Kennedy Cluster project was sort of to take all of these pieces and all of these  
31 concerns that we have had for so many years and develop this collaboration, this  
32 template, that could then guide us in the future, right, in terms of where do we invest and  
33 what makes the most sense, so that instead of trying different approaches, we would sort  
34 of concentrate in this area, try all the best practices, et cetera, and come out with a  
35 template. And I think the MOU has been a real critical, tangible result of this project, of this  
36 collaboration, and so I guess for me, what I'd like to know is, you know, as we're spending  
37 so much staff time in all these different committees--because I know everybody is so  
38 busy, you know, times are tough, economic downturn, and I see all these different  
39 committees that come together to almost do the same thing. Are we ever going to get to a





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1 point where we just decide, you know, let's take the lessons learned? You know, here's  
2 this Kennedy Cluster project template. Let's just take it and run with it, versus meeting and  
3 meeting and trying to do all this collaboration in many different places at many different  
4 times, where we already have something that obviously has something to show and that  
5 can guide us. So, that's why I'm interested, because it really touches upon the academic  
6 piece, the ineligibility piece. The MOU is huge. I mean, nobody had an opportunity to talk  
7 to each other. Now we can treat the child as a whole child and as a family unit. There's  
8 just so many things that go into this. So, I'm just interested, are we moving toward an  
9 approach where, you know, I don't care what you call it, but, you know, whatever we've  
10 done already, let's just capitalize on that.

11  
12 GABRIEL ALBORNOZ:

13 Great. I agree with you inherently in that there are a lot of efforts underway right now to  
14 tackle various issues as it relates to youth, and they're led by different entities. In addition  
15 to the Kennedy Cluster and this effort, there's now a new effort to look specifically at  
16 Latino youth and the discrepancies there. What I would--

17  
18 COUNCILMEMBER NAVARRO:

19 Right. And I'm--I hate to interrupt you. And my goal, I guess, as a policymaker, I just want  
20 to look at efficiencies, you know? And the genesis of the Kennedy Cluster project was that  
21 eventually we would turn into the Latino issue because they're just very similar issues,  
22 except that you have issues of language and you have culture competency, but they're the  
23 same exact, sort of, you know, best practices. And so I'm just looking at efficiencies  
24 because time is limited, and resources are limited, so I'm hoping that we can get to a  
25 point--and I just want to, you know, say this to my colleagues, as well--where we decide  
26 on one particular template if we're putting all this staff time--and I see that the chief of  
27 police is here. I know that, you know, he spends a lot of time in all these meetings. Are we  
28 duplicating a lot of the effort, instead of just saying, hey, we have, you know, populations  
29 that have very similar issues. Let's just look at efficiencies and move forward.

30  
31 GABRIEL ALBORNOZ:

32 What I would say is that Kennedy Cluster project clearly has been a smashing success,  
33 and I think there are really incredible best practices that have been developed and  
34 emerged as a result of that effort. On a parallel path was this effort, and you're right--it's  
35 many of the same players, so the good news is, there's cross-pollination of information,  
36 and there is a level of trust that has been established among these various agencies that  
37 can't be understated and is very relevant and is very important. And so as we move  
38 forward and see what's working, I agree--there will be an opportunity to merge these  
39 efforts into one, and I'll give you one good example. The genesis of the Summer Meals



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1 program in Kennedy Cluster was actually born out of a comment that was made through  
2 one of the community-based collaboratives and that was shared to the Regional Service  
3 Center director there and their staff, who also happened to be part of the Kennedy Cluster  
4 project and then was sitting hand-in-hand with the school administrators that could make  
5 that program happen. And so the information was gathered on the community level, and  
6 then it trickled its way through in a really cool way, and then before you knew it, you've got  
7 a program that's now serving thousands. And so that, I think, is an example of the  
8 evolution of all of these efforts. And this is a moving target. They're going to take a lot of  
9 different shapes and sizes, but as long as that trust and that collaboration is there, I think  
10 we're going to continue to move in the right direction.

11  
12 **UMA AHLUWALIA:**

13 I just wanted to respond to that a little bit, too, that as we try new things, as we've done  
14 the Kennedy Cluster, we've template it, we've figured out the work that's happening with  
15 the Sports Academy, the RecExtra, the Excel Beyond the Bell, the Neighborhood Safety  
16 Net--all of them sort of come together around a whole community empowerment zone  
17 kind of an experience. In the conversations I've now been having--I just met with our  
18 intergovernmental affairs director, Melanie Wenger, in terms of talking to the feds or  
19 anybody else. We have these--these products now, if you will, that actually fit very well  
20 together. They're not part of the same--they didn't start off as the same product, but  
21 they're multiple products that align very well, and here is an opportunity for us to tell a  
22 story and try to seek funding that will help us replicate this in other communities with great  
23 success, and so I actually think we're at a point where some of these disparate efforts  
24 have some together in a place where we have something even larger to offer, if we want  
25 to have that conversation. So, I actually think it's a good place to be right now. The  
26 question is do we keep spinning our wheels, or are we able to do something more with it.

27  
28 **COUNCIL PRESIDENT ANDREWS:**

29 Thank you, Councilmember Navarro. Please proceed.

30  
31 **GABRIEL ALBORNOZ:**

32 So, I'll just fly through these last ones, because they're pretty self-explanatory. RecExtra is  
33 the other big program that we have highlighted that the Department of Recreation is  
34 directly responsible for. It was in all 38 middle schools last year, this year is in 25 due to  
35 budget reductions. We selected 25 schools that had a greater proportion of need of  
36 programs, because the schools that we selected did not already have robust afterschool  
37 programs. And so that's how we selected those schools. And so we, as the Recreation  
38 Department, serve as a coordinating body in this effort, and we actually pay what are  
39 called afterschool activity coordinators. It's a program that meets two times a week for



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1 about an hour and 15 minutes, now at 25 middle schools, and we try to facilitate  
2 programs, eliminate barriers to accessing those programs, and there is data on the  
3 subsequent pages as it relates to the outcomes of those programs. And for purposes of  
4 time, I'm going to move us along, because there's obviously still a lot to cover, and I know  
5 we're trying to finish in a half an hour. The other program that is critical to this particular  
6 effort, and is one of the new things, is Excel Beyond the Bell, which is an effort being led  
7 by my colleagues in the Collaboration Council. I will provide a 20-second overview and  
8 then turn it over to Kathy to elaborate on updates from 18 months ago to now. Excel is  
9 also an effort that involves a number of different community-based organizations, County  
10 government agencies, Montgomery County Public Schools, et cetera. The goal here is  
11 pretty specific, however. There, as we all know, are a lot of really cool afterschool  
12 programs out there, with varying degrees of funding and varying degrees of size and  
13 shape. Excel, on its most basic level, is an effort to coordinate those activities, and it has 4  
14 overarching goals. The first is to make sure that parents, especially, and youth themselves  
15 and the greater community understands the programs that are available to them. One of  
16 the vehicles is infoMONTGOMERY. The second goal is to provide safe and culturally  
17 competent programs, and that's achieved by providing trainings for youth workers. High  
18 turnover rate among youth workers, not a lot of upward mobility, so, this is a great thing, to  
19 be able to provide training opportunities. Third thing is to increase the funding for these  
20 organizations and bring outside foundations to come and invest in the County. And then  
21 lastly, it's to establish data points and specific outcomes that we're all held accountable for  
22 across the entire out-of-school industry. And with that, I'll turn it over to Kathy to give  
23 another update.

24  
25 KATHY LALLY:

26 Great. Thanks so much, Gabe. Thanks so much to the Council for offering us this  
27 opportunity to talk with you about some of the work that's been going on. And the two  
28 areas, the goal areas, that I'd like to highlight are the standards and professional  
29 development-- really getting at the quality of out-of-school-time programming in the  
30 County--and secondly the data that--the movement on the MOU that Gabe has already  
31 talked about. We've heard from our providers over and over and over again that they  
32 really need support in professional development, and we have been very fortunate over  
33 the last couple of years to get both foundation funding and also County funding to support  
34 the Advancing Youth Development curriculum that is offered now, generally twice a year,  
35 with the funding that we've received. We've had close to a hundred workers, youth  
36 workers, trained in the sessions, and we're getting terrific feedback about folks'  
37 participation as well as an alignment between the programs that are reporting high staff  
38 satisfaction by the youth and those that have attended the Advancing Youth Development  
39 training. And the Recreation Department has taken full advantage of participating in that



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1 training, as well as our private nonprofit providers. A second item in terms of moving  
2 standards in professional development forward is the Youth Program Quality Assessment.  
3 It's a tool. It's a research-based tool that really focuses on the staff and youth interactions  
4 and program contact. We've been able to get private resources to help fund that in this  
5 first year of a pilot. And we are currently in the middle of recruiting providers. We've got 8  
6 providers. We've got 7 to go to get to that--that pilot number. And then we're also linking  
7 with the Maryland Out of School Time Network. It's a statewide effort funded by the C.S.  
8 Mott Foundation to help coordinate efforts across the state focused on positive youth  
9 development, and specifically about out-of-school-time programming. It is funded for  
10 another couple of years. They are really trying to do some work with the governor's office  
11 in helping the governor understand the importance of out-of-school-time programming and  
12 also trying to coordinate all the different jurisdictions that are doing work in out-of-school-  
13 time programming. Next, I'd just like to talk about the information and accountability. You  
14 know, Gabe has mentioned the MOU. This has been a huge step forward for us--that not  
15 only the students who participate in the programming offered by the Recreation  
16 Department, but also the funding--the programs that we fund--both of those program types  
17 are going to be able to access, working with the school system, information on grade point  
18 averages, student attendance, and also academic eligibility. So, that's an alignment  
19 between the public and quasi-public sector, and also the private sector, because of the 25  
20 organizations that we fund outside of the public domain. So, we're really pleased about  
21 that alignment and moving forward. And just to give you a little bit about the programs that  
22 the Collaboration Council funds with the state resources that come into the County, this is  
23 a distribution of individual student attendance rates, and what this chart actually means is  
24 that 60% of the children who--children and youth who were participants were active  
25 participants, meaning they participated 70% or more of the time that they were involved  
26 in--involved in the program. And just to give you kind of what Councilmember Ervin was  
27 asking about, the scale and the scope--we're only serving a small, small number. 1,000  
28 students were served with the resources that came into the Collaboration Council. Most  
29 students were African American--50%--and 34% were Hispanic, and of the students  
30 served, 15% were ESOL, compared with the 12% of the overall MCPS total population,  
31 and over 60% were girls, which--we've got a couple--more than a couple, probably 3  
32 programs that are specifically targeted to girls. And then to get at changes in attitudes and  
33 behaviors for participating students, the tool that we're using, although it's a survey tool--  
34 it's the Colorado Trust tool, and it is--it has research behind it, but it is that exit survey  
35 data. But in the information that we were able to collect and report, you can see that  
36 overall, it's in a positive direction in terms of improved academic attitudes, making positive  
37 life choices, stronger sense of self--and that's the strongest of all--improve core values,  
38 and increase participation. I think one of the really good things that has happened over the  
39 course of the last year or 18 months is this alignment between the Collaboration Council



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1 and the Department of Recreation and the County programming in this area specifically  
2 focused on out-of-school time. And then I will stop.

3  
4 GABRIEL ALBORNOZ:

5 Thanks, Kathy. Uma is going to give an update on intervention-based programs now.

6  
7 UMA AHLUWALIA:

8 Good afternoon, everyone.

9  
10 COUNCIL PRESIDENT ANDREWS:

11 Right. And I'll say that the chief is looking a little nervous. Don't worry, chief, we'll get to  
12 you. I'm not going to cut you off. Councilmember Ervin.

13  
14 COUNCILMEMBER ERVIN:

15 I just wanted to thank Kathy Lally for--the way you've distributed your information is very  
16 helpful, because you're giving it to us in the way that we just talked about, which is show  
17 us the baseline and give us the numbers, and that really is very helpful. And after Uma  
18 makes her report, I want to come back to duplication of effort. The school system--and I  
19 was just talking to Councilmember Knapp about this--for most people in a community, the  
20 school system is their central location. For their neighborhood, it's their identify and their  
21 community, and it seems to me there's got to be some sort of closer collaboration  
22 between County government and the school system in the way that we identify which  
23 children and families are in need of support. And it was Councilmember Navarro who  
24 reminded me about two weeks ago that there was an NPR story about this new concept of  
25 community school that Arne Duncan and former prime minister Tony Blair were talking  
26 about, because all over England, they have this--this concept that is totally aligned with  
27 where you all are moving, which is that the schools are the center of the community, and  
28 that everybody knows where the schools are--they know where the elementary school, the  
29 middle school, and the high school are in their community--and if we are able to align  
30 more of what we're doing in that way, I think it would be very helpful, because people  
31 wouldn't be asking, "Well, where do I go?" They will know where to go, and you can go  
32 there to get immunized, you can go there to learn English as a second language, you can  
33 go there to do your afterschool programs, et cetera, et cetera. So, anyway, we don't need  
34 to keep re-creating the wheel and starting, like Nancy just said, all these new programs all  
35 over again and--and I see the chief everywhere. I think the man never sleeps, because if  
36 there's a committee, he's on it; if there's a task force, he's on it; if it's about youth or gang  
37 involvement, he's there. And so I think just a big piggyback on what Nancy said--I think we  
38 need to really begin to tighten up the screws on this. But I really compliment you on your

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1 data collection because I think it's really helpful to glance at it and to see what you're  
2 trying to do.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 Thanks, Councilmember Ervin. Councilmember Trachtenberg has a question or a  
6 comment.

7  
8 COUNCILMEMBER TRACHTENBERG:

9 Actually, just a very brief comment, which is I agree with comments provided by my  
10 colleagues, but I think it's also important to note that when we talk about the community  
11 model that's utilized, say, over in Europe, one of the things that, you know, I took away  
12 from having lived inside London is that a lot of services for families are provided right  
13 within the school setting. And that's something--if we're going to talk about collaboration  
14 with the school system, that really has to be central to the discussion, because in my  
15 mind, that's one of our biggest challenges--that we're not able to utilize the resource of the  
16 school setting in that fashion.

17  
18 COUNCIL PRESIDENT ANDREWS:

19 Thank you, Councilmember Trachtenberg. Council Vice President Berliner.

20  
21 COUNCIL VICE PRESIDENT BERLINER:

22 Is this--are we wrapping up at this point?

23  
24 COUNCIL PRESIDENT ANDREWS:

25 Well, we have a couple more presentations, so you want to hold?

26  
27 COUNCIL VICE PRESIDENT BERLINER:

28 I will--I will withhold until we are...

29  
30 COUNCIL PRESIDENT ANDREWS:

31 All right. Dr. Ahluwalia.

32  
33 UMA AHLUWALIA:

34 Thank you. From an intervention perspective, I wanted to update you on a few things--the  
35 Crossroads Youth Opportunity Center, that exists downcounty, and we have funding now  
36 to open another Youth Opportunity Center upcounty. The Northwood High School  
37 Wellness Center. The Street Outreach Network, and the role of the Youth Violence  
38 Prevention Coordinator and Identity After School Program. So, that's the cluster of  
39 programs I wanted to update you on. In the--at the end of Fiscal Year 2009, we had--the

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1 Crossroads Youth Opportunity Center in Long Branch had served about 248 youth. Of  
2 them, 143 youth who were participating in the center were actually gang involved. 12  
3 youth--and of that group, only 12 youth were rearrested, and 148 youth were involved in  
4 positive, life-affirming activities. So, from a impact perspective, that starts to give you a  
5 sense of what was going on. As of this--September 30 of this year, we had seen a total of  
6 143 youth, and 67 of those youth were receiving mental health services, and 56 were  
7 receiving case management. 12 clients are receiving tattoo removal, and 13 parents have  
8 participated in parent support groups. And 23 youth successfully completed a job training  
9 program. So, with each year, each passing year, we're starting to see more, sort of,  
10 utilization and improvements of the numbers. At the Northwood High School Wellness  
11 Center, 169 youth showed improved awareness and practices of healthy behavior, and 58  
12 youth showed a reduction in delinquent activity. 34 youth increased school attendance,  
13 and 63 youth and parents reported an improved relationship with families, peers, and  
14 teachers. Starts to tell you that the Wellness model is showing promise--that it is effective,  
15 that it is having an impact. We're only in one high school right now. 13 youth became  
16 employed or made progress toward gaining employment, and 50 youth became active in  
17 community or leadership activities. 59 youth showed improved self- esteem and  
18 demonstrated greater ability to resolve conflicts without resorting to violence, and 10  
19 disciplinary actions were taken against the youth. So, of 169 youth--a total number of  
20 youth served were 274 in '09; 169 youth were showing improvement. So, again, the  
21 numbers are starting to demonstrate fairly good success rate with the interventions. The  
22 Street Outreach Network, which is a small group of our staff--as you know, headed by  
23 Luis Cardona, and he has 3 staff members in there--116 clients have been previously  
24 suspended. After engagement, only 40 were re-suspended. 103 clients had been  
25 previously arrested, and after engagement, only 30 clients were re-arrested.

26  
27 COUNCIL PRESIDENT ANDREWS:  
28 Good.

29  
30 UMA AHLUWALIA:

31 And actually, as of 10/28 of this Fiscal Year, they had served 126 youth, and of the 126,  
32 35 had been previously re-arrested prior to the first engagement with this, and 19 clients  
33 were re-arrested after deployment. So, that's a 54% reduction in re-arrests as the result of  
34 our work. And 48 clients had been previously suspended, and 21 were re-suspended, so,  
35 that's a 44% reduction. So, we are starting to show some pretty significant impact as a  
36 result of the work. The Youth Violence Prevention coordinator, who is Luis himself,  
37 increased community awareness in the prevention of gangs in the County. He provided a  
38 total of 24 community awareness presentations, to a total of 218 residents, stakeholders,  
39 parents, and youth from the County. And along with this, a total of 18 interventions and



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1 mediations were successfully completed, and mediation is tending to become more and  
2 more of a practice that they're applying to resolve conflict among gang-involved youth,  
3 and by successful completion, we mean that there was no further retaliation after the  
4 mediation occurred. The Identity After School Programs in 2009 Fiscal Year, 185 youth  
5 showed an increase in positive attitude changes regarding gang activities and  
6 membership, and 90% of the youth showed an improved perception of outlook for the  
7 future. The data on substance abuse use and the data on sexual activity is something that  
8 we're applying new surveys. The tools have just been developed and will be implemented  
9 this Fiscal Year, so we should have data on those two indicators at the end of Fiscal Year  
10 '10. Participants at Identity engage in a pre- and post-survey to gauge the effectiveness of  
11 the programming. So...thank you.

12  
13 COUNCIL PRESIDENT ANDREWS:

14 Thank you. And Councilmember Knapp has a question or comment.

15  
16 COUNCILMEMBER KNAPP:

17 I guess the question I have, and it's not necessarily a fault thing. It's just one of the--as we  
18 talk about the various programs that are out there, I was aware of a program--we're  
19 focusing on our--we've got our clusters that are out there--the youth initiative in the  
20 upcounty, that there had been an attempt, as I understand, to create a series of skate  
21 parks to try to do that, but we were using grant funds to do it. Turns out the grant funds  
22 weren't eligible for that type of a project. We didn't have a Plan B. As a result, we turned  
23 money back, which was only a little frustrating because we have so few resources. I just  
24 was curious as to the bigger issue--how are we coordinating activities to make sure we  
25 actually deliver on things where we actually have those resources to deliver with?

26  
27 UMA AHLUWALIA:

28 On that one--

29  
30 COUNCILMEMBER KNAPP:

31 And I don't want--that's not a fault thing because I don't want to point fingers at folks, so I  
32 apologize. It was just an issue that it was brought to my attention. As it turns out, we had  
33 some police officers that, through ingenuity and creativity, built something basically in the  
34 police parking lot in the Fifth District, which has been very well received, but we ended up  
35 turning money away that we probably could have used to reach youth.

36  
37 UMA AHLUWALIA:

38 I think sometimes just--partnership is hard work, and sometimes just the effort that goes  
39 into bringing everybody together, building a consensus, identifying a project, is time



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1 intensive, and then on top of that, when you end up with a time crunch and you have to  
2 depend on the federal government to tell you whether there's some flexibility there or not  
3 there, we just ran out of time. I mean, literally, we were all so committed to the skate park  
4 idea, and we were--we were pretty--we were all working very, very hard to try to get us  
5 there, including our Office of Procurement and everybody else. We just literally ran out of  
6 time, and from where we're sitting, turning money back is really something we avoid if we  
7 can under any circumstances. We just--it was something that caused all us considerable  
8 grief, so we're sorry--

9  
10 COUNCILMEMBER KNAPP:

11 So, the answer is that we're human?

12  
13 UMA AHLUWALIA:

14 Maybe.

15  
16 COUNCILMEMBER KNAPP:

17 All right. That's fair, I guess.

18  
19 UMA AHLUWALIA:

20 Are we allowed?

21  
22 COUNCILMEMBER KNAPP:

23 Thank you. I appreciate the explanation.

24  
25 UMA AHLUWALIA:

26 Thanks.

27  
28 COUNCIL PRESIDENT ANDREWS:

29 Thank you, Councilmember Knapp. Councilmember Ervin.

30  
31 COUNCILMEMBER ERVIN:

32 Councilmember Knapp just brought up the skate park issue, and I see there are some  
33 friends of mine from Silver Spring here--Richard Jaeggi and Tony Hausner--and they have  
34 just done an incredible job in the Silver Spring area working with the Gandhi Brigade and  
35 Mixed Unity on a Save Silver Spring Summit. Well, it's coming to my attention that the  
36 idea of a skate park is really beginning to--to gather steam, especially, you know, as you  
37 talk to our neighbors, Discovery in downtown Silver Spring, the skateboard crew is really  
38 destroying the outside of the building, and, you know, these youth need a place to be, so  
39 there is a proposal that Park and Planning is floating about a skate park in the--right



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1 outside the CBD of Silver Spring. Just curious about, in terms of all the work you all are  
2 doing with Positive Youth Development, how well skate parks fit into that piece.

3  
4 GABRIEL ALBORNOZ:

5 I think they fit quite well, and they're--we, within the Recreation Department, certainly get a  
6 lot of interest. The skate park that we currently operate in Olney has been wildly  
7 successful. It is a very popular facility, and so I think that this isn't just a trend, that this is  
8 here to stay, which is a good thing, and so I think that--we were heavily involved in the  
9 process to try and bring the skate park to Germantown, which unfortunately, obviously, fell  
10 through at the end, but I think that will serve as a guide, and many of the steps that we  
11 took to get to a point where we were so close will be able to serve as a best practice in  
12 other communities, and we can use that as a model now.

13  
14 COUNCILMEMBER ERVIN:

15 That's really important as this Council begins to--its deliberations on the CIP and on the  
16 Operating Budget. I didn't even know there was a skate park in Mike Knapp's district. I'm  
17 looking to Mr. Berliner. Do you have a skate park? OK. Who's got a skate park?

18  
19 COUNCIL PRESIDENT ANDREWS:

20 There's one in the city of Gaithersburg.

21  
22 COUNCILMEMBER ERVIN:

23 There's one in Gaithersburg.

24  
25 COUNCIL PRESIDENT ANDREWS:

26 City of Gaithersburg.

27  
28 COUNCILMEMBER ERVIN:

29 So, I'm just becoming really engaged in this, because so many of our youth between the  
30 ages of probably 11 and on up are looking for a place to be, so I would really like to  
31 engage all of you in that conversation as we move forward. Thank you.

32  
33 COUNCIL PRESIDENT ANDREWS:

34 Councilmember Floreen says there's an informal one in Kensington, and Council Vice  
35 President Berliner has a question or comment.

36  
37 COUNCIL VICE PRESIDENT BERLINER:

38 I just want to follow up on my colleague's excellent observations. We had Tony Hausner  
39 and Nate come before the Public Service--Public Safety Committee...when? Last week?



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1  
2 COUNCIL PRESIDENT ANDREWS:  
3 Last week.

4  
5 COUNCIL VICE PRESIDENT BERLINER:

6 It just feels like it's been so long. In which we talked about teen centers and talked about  
7 how when I was a youth, we needed places. And so all the time when we go around our  
8 communities, we see youth hanging out in the evenings with no place to go--hanging out  
9 in front of movie theaters, hanging out just having no place to go, and as I was looking  
10 through all of the programs that we offer, how few of them have evening activities for our  
11 teens. They almost all end at 5:00 or so, and you've got a couple, Gabe, that you've done  
12 for--teen night and things like that at your rec centers. But I know that my colleagues, one  
13 of the first recommendations from the Silver Spring Summit that you were so intimately  
14 involved with was to create a teen center in Silver Spring, and I do hope that we will give  
15 this very serious consideration. It is time to have these kinds of facilities. We have to  
16 create safe places, not just skate parks, which are terrific, but places where our teens can  
17 gather, where they'll want to gather, where they'll be safe, where they'll do wholesome  
18 things--well, maybe not, but, you know, depending on your view of video games, but... but  
19 where people can get together and have fun and feel like they don't have to get in trouble  
20 to have fun.

21  
22 GABRIEL ALBORNOZ:

23 I couldn't agree more, and by the way, the report done by the Silver Spring Summit folks  
24 was fantastic, and the recommendations are very consistent with the overall  
25 recommendations that we're putting forward, and I actually have two updates for those  
26 folks that were specific to Council questions, so I'll respond to those in a second. But just  
27 to respond to that point--what we've tried doing within the Recreation Department is  
28 adjusting hours to make sure that there is more time and space available at our facilities  
29 specifically for teenagers, and despite the budget challenges we've had, I'm proud to say  
30 we've thought creatively about how to operate programs with partners to actually be able  
31 to carry out programs. One example is, at the Long Branch pool, we actually conducted a  
32 partnership with the Regional Service Center there, and we had a pool night, if you will, at  
33 several of those--at Long Branch and at some of our other facilities, as well, which was  
34 very popular and well attended. And so while there's still obviously a lot of work that we  
35 could/should be doing, despite the budget challenges, we have looked at creative ways of  
36 creating the time and space you described. I'll mention very quickly the other important  
37 element to this, before turning it over to Chief Manger, are the community-based  
38 collaboratives. One of the transitions in our effort was to ensure that there was greater  
39 community involvement in this process, and that we created a time and space in real time



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1 to address and tackle youth-related opportunities in communities. And so 3 communities  
2 were chosen based on law enforcement recommendations, and those 3 communities  
3 were Germantown, the Kennedy Cluster area, and Long Branch. These efforts are  
4 facilitated and coordinated by our colleagues in the Regional Service Centers--so  
5 Germantown, it's Cathy Matthews; Kennedy Cluster, it's Natalie Cantor; and Long Branch,  
6 it's Neri Umberto--and they have really done a good job of bringing key stakeholders from  
7 those communities to discuss issues and to discuss how to resolve those issues, and  
8 skate spots is something that has come up in all 3 of those conversations, and so I think,  
9 moving forward, this will provide as a really strong basis and a mechanism for us to be  
10 able to coordinate community responses to real issues in those communities, and there  
11 are discernible wins that each of the collaboratives can point to, which are highlighted in  
12 your packet. I will now turn it over to the chief to talk about suppression.

13  
14 THOMAS MANGER:

15 Thank you. Tom Manger, chief of police, Montgomery County Police Department. I'm here  
16 to talk about the suppression aspect of Positive Youth Development, but I have to say  
17 before I begin that the police department and the men and women of the police  
18 department understand that prevention and intervention has to be the priority, and I also  
19 think it's important to point out that we are involved a great deal in prevention activities  
20 and a great deal in intervention activities. I have sitting behind me Sergeant Chuck Welch,  
21 who heads up our gang unit, and while I'm so proud of the work that Sergeant Welch does  
22 with men and women under--under his supervision, the fact is that they are involved with  
23 mediation, they're involved with the Street Outreach workers, they're involved in the  
24 schools, they're involved in a lot of prevention activities. They're not--they don't think that  
25 the only way we can address this problem is just to, you know, arrest people, and while  
26 they do that because someone has to do that, they do have a great deal of focus on  
27 prevention and intervention programs. That said, I'll talk about suppression. We looked at  
28 youth crime, and I have to tell you that--the obvious, that not all youth crime is gang-  
29 related. In fact, gang-related crime is actually a small fraction of the youth crime as we  
30 define it. And it's defined as--youth crime is defined as an incident where the defendant or  
31 suspect was under 22 years of age. In some cases, we are estimating that. In some  
32 cases, we're going on the description given by the victim, so I'm not--these numbers are  
33 not an exact science, but they're as good as we can pull together. The times we're using--  
34 the time of the crime that we're using reflects when we believe that the crime started, and  
35 we talk about hotspots, and why don't we go to the next slide and jump right into this map,  
36 and I'll talk a bit little about it. We have identified 3 hotspots. They're listed as A, B, and C.  
37 The A is in the city of Gaithersburg. Probably the epicenter would be Lakeforest Mall. B  
38 would be--the epicenter is really the Wheaton Central Business District. And C would be  
39 the Silver Spring Central Business District. They--they're adjacent to the areas where we



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1 are doing the--much of our Positive Youth Development work and where we've been  
2 doing it for a couple of years--that's up at the Gunners Branch, as Gabe mentioned, up in  
3 Germantown, the Bel Pre Road corridor, and Long Branch. The--if you look at a map, and  
4 I know some of you have--if you looked at a map of where gang crime occurs, and I want  
5 to ask Captain Gillespie to hand the clerk--we just this afternoon got a map of where the  
6 gang crimes occurred over the past year, and we'll give you a copy of that map, but it  
7 matches--it reflects almost identically the map you have in front of you. If you plotted all  
8 crime--all crime that occurs in this County, you'd get the same pattern that you see here.  
9 There are actually 5 hotspots for--if you look at all crime that occurs in this County. It's  
10 Germantown, it's--where you see A, B, and C, the fifth hotspot is up in the Castle  
11 Boulevard area. It's really along the Prince George's/Montgomery border, from White Oak  
12 all the way up to the Briggs Chaney area. That's the fifth hotspot, if you will, in--of crime in  
13 this County. If we can look at the next map. The--I think we have two maps up there. One  
14 reflects the crime patterns for Fiscal Year '09, one reflects Fiscal Year '08. That's the '09.  
15 Again, pretty similar in terms of where crime is occurring. The next slides show you--we  
16 broke down the number of youth crime and the time that it occurred in those areas, and  
17 we focused a great deal on--much of the work that we've done, the prevention and  
18 intervention work, was focused on those afterschool hours. Anecdotally, you heard time  
19 after time folks talking about the time between school lets out and the time that parents  
20 get home in the evening as a time when kids historically have gotten into trouble. And so  
21 we focused on those times, we addressed those hotspot areas, and you can see that from  
22 Fiscal Year '08 to Fiscal Year '09, we saw a pretty significant decrease in the activities--in  
23 the crime that occurred in those hotspots and--which I guess is some indication that some  
24 of what we're doing is making a difference. So, we... So the total number--the total crime  
25 for Fiscal Year '08, we had 11,500 youth crimes in Fiscal Year '09. We're down to 10,500,  
26 which was a 9% decrease. So, again--and if you looked at the hotspots, it actually went  
27 down 33% in those hotspot areas. So, again, we focused on those hotspots, and it  
28 seemed to make some difference in terms of reducing the crime, and boy, if we could just  
29 duplicate that in the areas that, you know, are shaded all up and down, from Germantown  
30 around to Silver Spring, we could, I think, make a huge difference, and that's our  
31 challenge, certainly.

32  
33 COUNCIL PRESIDENT ANDREWS:

34 Thank you. Very--you know, very easy to follow and concise, as well. Thank you for the  
35 presentation. Councilmember--

36  
37 THOMAS MANGER:

38 Mr. Andrews, just one--I wanted to add one other thing. One of the performance measures  
39 we look at is the youth crime numbers, but one of the other things that we discussed that--

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1 because, you know, it's probably a good thing to have more than one performance  
2 measure. You know, we keep track of, and we do quarterly reports on, the numbers of  
3 gang and the number of gang members that are operating in the County, and the number  
4 of gang members--again, it's not an exact science in estimating those numbers. I think we  
5 do a fairly good job at that. But the number of active gangs is a much more, I guess, exact  
6 number. We can look every quarter, every 6 months, every year at which of the gangs that  
7 are popping up that we're dealing with in terms of committing crime. And so we've plotted  
8 the number of active gangs from January 2007 through--through June of 2009, and the  
9 trend that we're seeing is that we are--there's a slow trend downward. The number of  
10 active gangs has gone from anywhere from 35 to 40 down to between 25 and 30. So,  
11 we're making some progress there. Now, having said that, I will tell you that the number of  
12 active gang members seems to be steady and in fact increasing a little bit, so we've got  
13 fewer gangs, but we seem to be seeing an increase in the number of gang members. I  
14 don't know if that's because there actually are an increase in gang members, or are we  
15 just doing a better job at identifying, you know, those gang members with the work that  
16 we're doing? But, you know, we're considering now--we'll work with the CountyStat folks  
17 looking at tracking the number of active gangs operating in the County as another  
18 performance measure for the suppression effort.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 Thank you, and let me compliment the Montgomery County Police Department on their  
22 contribution to helping to reduce the crime rate in the County through good work. You can  
23 see that there has been a significant reduction in the hotspot area, and there's been a  
24 reduction overall throughout the County in most crimes, and I'm sure at least part of that  
25 reduction is due to the good work of the police department, so, well done, and please  
26 pass that along to the rest of the department. Councilmember Navarro has a question or  
27 comment.

28  
29 COUNCILMEMBER NAVARRO:

30 Yes. Thank you, Chief Manger, for that update. I also wanted to commend your  
31 department for the great work that you're doing. And I guess this is just a question that I  
32 would love to just receive some response in writing for my office for my own benefit. Since  
33 we have identified in this map--and it's amazing to me how this same map pretty much  
34 mirrors the school system's focused zone, as we have called it--so highest concentration  
35 of students with high mobility rates, ESOL, poverty, and it's also the same map of the  
36 hard-to-count census, 2010 census, so it's all together. But I would just like to understand  
37 a little bit, then--obviously without a lot of details--you know, what has been your strategy,  
38 so we do know that these are areas with this concentration, what are we doing, you know,  
39 specifically in those geographic areas to address this issue, because obviously it's



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1 concentrated. And, as I said, I know we're running out of time, but I would love just to have  
2 some idea, because I know this comes up a lot when I go to many of the neighborhood  
3 meetings, and I would like to understand better if there is--obviously, there is a strategy  
4 that is working--just to understand exactly what are the different components of that  
5 particular strategy.

6  
7 THOMAS MANGER:

8 And we'll be happy to get you detailed information on that. I will say this--that with  
9 suppression efforts, one size does not fit all. It's different--what we're doing in Long  
10 Branch is very different than what we're doing up in Germantown. What we do in the  
11 Central Business District of Silver Spring and Wheaton is different than what we do in  
12 other areas of the County. So, it's--you have to--it's like playing football. I mean, you've got  
13 to develop your game plan depending on--on what you're trying to accomplish and what,  
14 you know, the other side is doing.

15  
16 COUNCILMEMBER NAVARRO:

17 I guess I'm particularly interested in the--you know, you talked about the White Oak  
18 toward Briggs Chaney, Castle Boulevard area, because obviously these are some of the  
19 areas where I get the most questions, et cetera. So, if you have that specific information  
20 for that geographic area, that would be good to know.

21  
22 THOMAS MANGER:

23 And I will get you that information. I will tell you, that's the newest hotspot that we're  
24 dealing with, because 5 years ago, that was not a hotspot. Today, it's the fastest growing  
25 hotspot, and I don't believe we've gotten our arms around that one yet, but I'll talk--I would  
26 love to talk with you about what we're doing there.

27  
28 COUNCIL PRESIDENT ANDREWS:

29 Thank you. Given your skill with developing game plans, could you do some consulting  
30 with the Redskins if you have some time? Just punt. Oh, it's only half over. OK. Well,  
31 thank you very much for the presentation. Do you want to make a closing comment?

32  
33 GABRIEL ALBORNOZ:

34 Just that there was a specific recommendation and a Council question with regards to  
35 Youth Advisory Boards. There are 4 formal Youth Advisory Boards within County  
36 government currently, and we concur with Save Silver Spring's recommendations to  
37 enhance the youth voice, and so we're going to provide a recommendation both to the  
38 County Executive and anybody else that would like to see it on how best to do that. And  
39 we're proud of our efforts, and I think we're making great strides. This is important work.

November 10, 2009



1  
2 COUNCIL PRESIDENT ANDREWS:  
3 Thank you all. All right. I know that the Transportation and Environment and the other  
4 aspects of the committee are just waiting--they just can't wait any longer--to meet with the  
5 other representatives who have been here very patiently from our Department of  
6 Transportation to go over the budget savings cuts. So, this concludes the Council session.  
7 We'll be turning the room over to the Transportation and Environment Committee.  
8  
9